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THE
PARLIAMENTARY REGISTER:
OR,
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE of COMMONS
OF
IRELAND,

The FIRST SESSION of the FOURTH PARLIAMENT
in the Reign of his present Majesty;

Which met the 14th of OCTOBER, 1783, and ended the 14th
of MAY, 1784.

V O L. III.

D U B L I N:

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PARLIAMENTARY REGISTER

1852-53

PROCEEDINGS AND DEBATES
OF THE
HOUSE OF COMMONS

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The FIRST SESSION of the FOURTH PARLIAMENT
 in the Reign of his present Majesty.

WEDNESDAY, MARCH 10, 1784.

THE committee on the state of Stephens's Hospital, the Right Honourable John Foster in the chair, examined the Surgeon-general on the state of that charity, and reported some progress.

The House in a committee on the corn-bill, Mr. Bolton in the chair.

The Right Hon. *Henry Flood* desired to know in what state the business was, and whether the committee had nearly gone through the bill, as he was just arrived, and had something to offer on that subject.

The Right Hon. *John Foster* replied, they had nearly gone through the bill, and when they had done that, every gentleman would have an opportunity of seeing what was the purport and intention of it, and have time to consider it before the report was agreed to.

Alderman *Warren* made a motion for the amendment of a clause, relative to the time of opening the markets.

The Right Hon. *John Foster* said, he should pay every attention to a gentleman who had so admirably exerted himself in the management of the markets and police of this city, as no man was better acquainted with regulations of that kind than the Alderman. However, he was of opinion the amendment proposed by the Hon. Gentleman, should be reconsidered.

The amendment was withdrawn.

The clause for regulating the fees, &c. being read,

Sir *John Parnel* thought, though they were not established by parliament, that the fees paid for twenty years back should be continued.

Mr. *Hartley* said, the committee of merchants allowed regular fees. However, he did not know what fees might be a reasonable compensation in this respect.

It was however agreed, that no more than the usual fees heretofore allowed, be taken on the exportation or importation on a bounty.

Mr. *Gardiner* observed, that by the present corn laws, the country contiguous to Dublin has in a great measure lost the advantage of the Dublin market, as the distant counties have the advantage by the bounty on the inland carriage of corn. He found it had particularly injured the farmers of the county he had the honour to represent, for whose advantage he would do every thing in his power, so far as it was fair, honourable, and consistent with the general interest of the kingdom; for he considered himself as a representative for the whole, and as such would act to the best of his power for its benefit; and as an honourable gentleman near him, whose knowledge in the corn trade was great, and whose integrity and good wishes for the welfare of his country no man could doubt, had given him an useful hint, he should, for the advantage of the farmers in general, move a clause which, he apprehended, would be for the general advantage of the agriculture of the whole kingdom.

He then moved a clause, purporting, on certain conditions, to allow a bounty of 3s. 4d. per barrel, on the exportation of corn from the port of Dublin, for which no land carriage bounty had been paid.

Mr. *Hartley* said, that notwithstanding he was no factor, yet he considered the protection of the mercantile interest of Dublin, and the procuring at all times a sufficient quantity of corn for the consumption of this metropolis, objects which merited the support of this House. To encourage the mercantile interest would be best effected by enabling the merchants who exported corn to participate in the bounty, and in order to provide for the latter, we should always have a sufficiency of corn in Dublin, which

would reduce its price. He added, he must consider precluding the merchants of Dublin from a bounty on the exportation of corn, as he derived no bounty from the land carriage, highly injurious.

Mr. *Cobwill* said, there was great probability of this bill being well calculated to secure to the people plenty of corn, without discouraging tillage effects—that demanded the first attention from the House.—He said, the clause allowing a bounty to the merchants of Dublin on the exportation of corn, was a matter on which they had consulted him; and upon the most mature consideration, he was satisfied that the bill, in its present shape, would prove of advantage to Ireland. The question was not confined to either the towns of Dublin, Drogheda or Dungarvan; but to the whole nation. As to Dublin, it enjoys advantages superior to any other port of Ireland, with respect to its exportation, having always ships ready for lading; an object attended with advantages, not to be met with in any other Irish port. In many parts, he said, they wait several weeks for a vessel. Dublin had a great advantage in its vicinity to the port of Liverpool, from and to which corn may at all times be exported or imported; and which, moreover, was the best market to resort to, having canals leading to the interior parts of England.

Mr. *Foster* said, that since the bounty had been refused to Dublin, from the year 1771 to 1782, the exportation of oats and wheat had encreased one-sixth; therefore Dublin has already robbed other ports of this trade; and by allowing a bounty we shall still more rob them. The advantages of Dublin already over other ports are sufficient, nay too much.

The question was then put, and passed in the negative.

Mr. *Hartley* wished to have three half-pence per barrel bounty upon land carriage of wheat to Dublin, and made a motion for that purpose.

Mr. *Foster* opposed the motion, as improperly introduced; he said, the committee of supply was the place where the Honourable Gentleman should propose such an amendment.

Alderman *Warren* said, that the Right Honourable Gentleman on the floor had been applied to for his concurrence; that he had read the motion of his Honourable Compeer, and said, the present was the proper place.

Mr. *Bushe* requested gentlemen would pay proper attention to the motion before them; if they did, not a man in the house would dissent from it; What does it require? No greater bounty than is already allowed; if you consider the quantity of flour produced by 40 stone of wheat, it will be found at least to equal the premium at present paid, with the material advantage of near six stone of bran, a proper food for horses, a consequent saving of oats, and giving emolument into the hands of the farmer, who

will thereby be encouraged to supply this city with plenty instead of throwing his stock into the hands of the miller, who forestalls the market.

Mr. *Fitzgibbon* moved to report and adjourn.

House resumed, and received the report.

The Right Honourable *John Beresford* informed the House, that the select committee, appointed to try the merits of the petition of *Morley Saunders*, Esq; complaining of an undue election and return for the borough of *Baltinglass*, in the county of *Wicklow*, have determined,

That *James Somerville*, Esq; was not duly elected a burges to serve in this present parliament for the borough of *Baltinglass*, in the county of *Wicklow*.

Also, That *James Somerville*, Esq; was not duly returned a Burges to serve in this present parliament for the borough of *Baltinglass*, in the county of *Wicklow*.

And also, that *Morley Saunders*, Esq; was not duly elected a burges to serve in this present parliament for the borough of *Baltinglass*, in the county of *Wicklow*.

And the said determinations were ordered to be entered upon the journals of this House.

Ordered, That Mr. Speaker do issue his warrant to the clerk of the crown, to make out a new writ for electing a burges to serve in this present parliament for the said borough of *Baltinglass*, in the room of the said *James Somerville*.

The order of yesterday, that the keeper of his Majesty's new prison, in the city of *Dublin*, do attend this House this day, being upon motion read,

Ordered, That the keeper of his Majesty's new prison, in the city of *Dublin*, do attend this House to-morrow morning.

Ordered, That the sub-sheriff of the city of *Dublin* do attend this House to-morrow morning.

A bill to stop the distilling of corn in this kingdom, for a limited time, according to order, was read a second time and committed.

Resolved, That this House will, to-morrow morning, resolve itself into a committee of the whole House, to take the said bill into consideration.

Mr. *Tydd* reported from the committee appointed to take into consideration the petition of *John Monck Maion*, Esq; the resolutions which the committee directed him to report to the House, which he read in his place, and after delivered in at the table, where the same were read.

Ordered, That leave be given to bring in a bill, pursuant to the prayer of the said petition; and that Mr. *Tydd* and Mr. *Day* do prepare and bring in the same.

A petition of several grocers of the city of Dublin, praying to be relieved against a clause in the act for continuing and amending several laws relating to his Majesty's revenue, and for the more effectually preventing of frauds therein, which obliges them to take out license and put a license board over their doors, was presented to the House and read.

THURSDAY, MARCH 11, 1784.

An engrossed bill for vesting in trustees certain lands, tenements and hereditaments in the kingdom of Ireland, the estate of James Uniacke, of Mount-Uniacke, in the county of Cork, Esq; for raising a sufficient sum of money for the payment of the debts of the said James, was read the third time.

Resolved, That the bill do pass.

Mr. *Annesley* said, that as a committee had been appointed in behalf of the Honourable Joseph Hewitt, to enquire into the merits of a petition complaining of an undue election and return for the county of the town of Carrickfergus, in the person of Waddel Cunningham, Esq; and as there were several persons to be examined, and papers produced to the committee on that election, he hoped the House would concur in any motion to that purpose, and accordingly moved, That John Tisdall, printer or editor of the news paper, called the Belfast Mercury or Freeman's Chronicle, do attend the select committee appointed to try the merits of the petition of the Honourable Joseph Hewitt, and also the petition of the several electors of the county of the town of Carrickfergus, complaining of an undue election and return of a member to serve in parliament for the county of the said town; and that the said John Tisdall do lodge with the Clerk of this House, on or before the 26th day of April next, the following papers, that is to say, the Belfast Mercury, or Freeman's Chronicle, published on Friday the 6th day of December, 1783, and also the original manuscript of a publication therein printed, intitled "Belfast Meeting," and signed "William Brown, Chairman;" and also the original manuscript of a publication therein printed, intitled "Constitution Club, Lifford, December 3, 1783," and signed "Robert Bell, Secretary;" both said papers relating to the late election for the county of the said town; and also the Belfast Mercury, or Freeman's Chronicle, published on Friday the 6th of January last, and the original manuscripts of two publications therein printed, and respectively signed "William Brown, Chairman;" and the original manuscript of one other publication, print-

ed therein, and signed "Robert Bell, Secretary;" and also the Belfast Mercury, or Freeman's Chronicle, of the 13th of January last, and the original manuscript of a publication therein printed, intituled "At a Meeting of the Belfast Division of the Constitution Club," and signed "William Brown, Chairman;" and also the Belfast Mercury, or Freeman's Chronicle, of the 3d of February last, and the original manuscript of a publication therein printed, intituled "At a Meeting of the Belfast Division of the Constitution Club," and signed "William Brown, Chairman;" and also the original manuscript of a publication therein also printed, intituled "At a numerous Meeting of the Fraternity of Fishermen of Carrickfergus," and signed "William Craig;" and also the original manuscript of a publication therein printed, intituled "Belfast, February the 2d, 1784," and signed "Patrick Gaw, Chairman;" and also the Belfast Mercury of the 13th of February, 1784, and the original manuscript of a publication therein printed, and signed "William Craig, Chairman;" and the original manuscript of one other publication therein also printed, signed "William Brown, Chairman;" and also the original manuscript of a publication therein printed, signed "John Henderson, Chairman;" and also the original manuscript of a publication therein also printed, intituled "Belfast Society;" and the original manuscript of a publication therein printed, signed "Robert Bell, Secretary;" and also the Belfast Mercury of the 17th of February, 1784, and the original manuscript of a publication therein printed, signed "Wm. Brown, Chairman;" and also the original manuscript of a publication therein also printed, signed "Robert Bell, Secretary;" and also the original manuscript of a publication therein also printed, and signed "William Craig;" and also the Belfast Mercury of the 5th of March, 1784, and the original manuscript of a publication therein printed, intituled "the Constitution Club," and signed "Robert Bell, Secretary;" all which papers relate to the late election of a representative for the county of the said town of Cartickfergus.

He also moved, That Henry Joy, the elder, Robert Joy, and Henry Joy, junior, printers or editors of the Belfast News Letter, do attend the said committee, and do lodge with the Clerk of this House, on or before the 29th day of March next, the following papers, that is to say, the Belfast News Letters, published Tuesday the 5th of August, Tuesday the 14th of October, Friday the 5th of December, 1783, Friday the 30th of January, Tuesday the 3d of February, Tuesday the 10th of February, Friday the 13th of February, and Friday the 20th of February, 1784; and also the original manuscript of a publication therein printed, intituled "Constitution Club, Mr. William Martin, President, Robert Bell, Secretary," dated "Lisburn, August the 2d, 1783;" and also the original manuscript of a publication

therein printed, intitled "Belfast Division of the Constitution Club," dated February the 12th, 1784, signed "John Henderson;" also the original manuscript of a publication therein printed, intitled "Fraternity of Fishermen, Freemen of Carrickfergus," dated February the 12th, 1784, signed by order, William Craig;" and also the original manuscript of a publication therein printed, intitled "Belfast Division of the Constitution Club, February the 12th, 1784, signed by order of the Club, John Henderson;" and also the original manuscript of a publication therein printed, intitled "the Address of the whole Body of the Lisburn Constitution Club, consisting of one hundred and seventy-five Members, Doctor Alexander Crawford, President, signed by order, Robert Bell, Secretary, February the 7th, 1784;" and also the original manuscript of a publication therein printed, intitled "Constitution Club, Belfast, February the 2d, 1784, Patrick Gaw, Chairman;" and also the original manuscript of a publication therein printed, intitled "At a numerous Meeting of the Fraternity of Fishermen of Carrickfergus, held at the house of Mr. William Clarke, the 31st of January, 1784, Mr. William Craig, in the chair, signed by order, William Craig;" and also the original manuscript of a publication therein printed, intitled "Belfast, the 1st of December, 1783, at a full Meeting of the Inhabitants of Belfast Members of the Constitution Club, Mr. William Brown, in the chair," and signed "William Brown, Chairman;" and also the original manuscript of a publication therein printed, intitled "At a numerous Meeting of the Constitution Club, Lisburn, December the 3d, 1783, Mr. John Henly, President, signed by order, Robert Bell, Secretary;" all which papers relate to the late election for the county of the said town of Carrickfergus.

Mr. *Dunn* opposed the motion as improper in many respects and premature, as the trial of the Carrickfergus petition was not to take place until near a month after, that is, the 26th of April; and that there was no necessity whatever for such a motion:—He then moved the 26th of April should stand in lieu of the 29th of March.

Mr. *Annesley* replied, that the papers and copy were necessary to prove hand-writing of the greatest consequence on the occasion.

The *Provoost* was of opinion, this was an attack on the liberty of the press, which every man was bound to defend, and tended to a disclosure of confidential papers which, to a printer, should be sacred.

Mr. *Molyneux* was of the same opinion.

Mr. *Annesley* said, he had not the least intention to carry on any criminal prosecution against the printers, but only by the papers

he wanted to establish a charge of agency against some persons; a circumstance of absolute necessity.

The amendment being admitted, Mr. Annesley's motion passed.

Mr. Toler said—Mr. Speaker, I hold in my hand a petition from the freeholders of the county of Tipperary, praying for a more equal representation of the people in parliament.

The petition, Sir, is signed by a great number of freeholders, many of them of as much respectability as in that or in any other county.

It was put into my hands, Sir, by a gentleman, (meaning Sir William Barker) whose zeal for the welfare of Ireland, is exceeded by none, and whose rank and fortune must intimately connect him with her true interests. There is no man, Sir, in this House, or out of it, who abhors the idea of creating a confusion in this country more than I do; or who has a higher respect for the dignity of parliament—but, in my mind, the true mode of avoiding the first, and preserving the latter, is to receive the petitions of the people with respect, and to decide upon them with justice.

I beg leave, Sir, before I sit down, to offer my mite of applause to the Right Honourable Gentleman (Mr. Brownlow) who has taken a manly lead in this important business—but, Sir, a character, which has met the concurring approbation of his countrymen, stands in no need of the feeble support of an individual.

I shall trespass no longer on the time of the House, but, pursuant to the instructions of my constituents, which I shall be ever proud to obey, move that the petition be now received.

It was accordingly ordered to lie on the table.

The House in a committee.—Mr. Hartley moved, That the bounty on the carriage of corn should be augmented from 1*d.* to 1½*d.* per mile.

Mr. Bushe believed the motion would pass if rightly understood and not taken on wrong ground; and affirmed it would be attended with little expence to the nation.

Mr. Greene opposed the motion.—Two or three years ago parliament was of opinion, that the bounty had no good effect. The honour of parliament was engaged, that the bounty should not be higher; if this motion was to pass, several millers would be ruined, who have expended large sums in building mills. An additional bounty would very materially prejudice the landed interest. However, as he came down to the House open to conviction, if any member should offer any reason strong enough to induce him to change his opinion, he would change it.

Mr. Henry Flood said, the present system held not out the same advantage to the farmer as it did to the miller. He was for giving equal advantage to both. The factors in this country were

like those of every other country, and pursued their own interest; for his part, he wished the ignorant tillers of the earth should be equally attended to with the millers.

An amendment was proposed, that no bounty should extend to any corn coming from within ten miles of any sea-port or navigable rivers.

The *Provoost* said, it would be much better to let the question be put on the original motion. This was a question in which the landed interest was deeply concerned, as well as the poor and the manufacturing people of this city. He would therefore be against the amendment.

Mr. *Mason* requested that the question would be put on the original motion.

Mr. *Griffith*, after having apologized for obtruding himself into a debate of so difficult a nature, and one in which some of the most experienced men in the kingdom differed in opinion, declared he was convinced, that unless some further bounty was given to the Dublin market, to counteract the manifest advantages which the bounty on exportation gave to the sea-port towns, that Dublin would never be supplied at a cheap rate. Suppose, said he, a farmer reside half way between Dublin and Drogheda, 12 miles distant from each, if he carries his wheat to Drogheda he will get 3*s.* 4*d.* per barrel export bounty, which is 1*l.* 6*s.* 8*d.* per ton; if he brings his ton of wheat to Dublin, he will get but 4*d.* per ton per mile, which for 12 miles is 4*s.*—so that the farmer living half way between the two places, will have a superinducement of 1*l.* 2*s.* 8*d.* per ton to go to Drogheda, instead of coming to Dublin.—Suppose he live within four miles of Dublin, and twenty miles from Drogheda, the bounty on export of one ton will be as before 1*l.* 6*s.* 8*d.* from which deducting 15*s.* land carriage for 20 miles, at 9*d.* per ton per mile, there will then remain 11*s.* 8*d.* profit; whereas, if the same farmer living within four miles of Dublin, carry his wheat to Thomas-street, the carriage will cost him 3*s.* at 9*d.* per ton per mile, and he will get only 1*s.* 4*d.* land carriage bounty, so that instead of gaining 11*s.* 8*d.* by carrying his ton of wheat twenty miles to Drogheda, he will lose 1*s.* 8*d.* by bringing it four miles to Dublin—what will be the consequence? All the grain produced in the counties of Monaghan, Meath, Louth, and even the county of Dublin, will be carried to Drogheda.—Wexford and Waterford will have a similar preference, not only in their own counties, but also in the Queen's county, and the counties of Kilkenny and Carlow; and nothing prevented the grain of the county of Kildare from being exported also, but the want of shipping at Wicklow. The evident consequences of such regulations would be, that while Drogheda, Wexford, Waterford, Cork, &c. were exporting grain, the city of Dublin would be in absolute want of provisions, or be obliged to advance

the price equal to the bounty allowed for exportation, which would certainly be a very great grievance.

Mr. *Colville* declared he had no views in coming into the House but to be of some utility to the kingdom. Last night he said the House considered the external regulations, as it did this night the internal. The corn trade of this country had many more obstacles to encounter than that of England.—There the corn comes from the field immediately to the granary; but the dampness of the climate here, precludes us that advantage. He said, we are all agreed as to the necessity of granaries; but, continued he, we ought to go farther, and be manufacturers of corn. The corn-trade should be carried on by men of great capitals, who should embark much property in the erection of mills, and be possessed of a comprehensiveness of mind. There were 300 mills in Ireland, and it would be wise to encourage the establishment of more, but this bounty would be prejudicial to them, as the corn would be sent to England to be manufactured. The House should not, he said, discourage that desire of building mills, which had of late much multiplied them. Mr. *Colville*, after displaying much professional knowledge, and shewing the evil tendency of this measure to agriculture, concluded with declaring his opposition to the motion.

The main question being put,

Ayes,	—	—	—	38
Noes,	—	—	—	56

Majority	—	—	—	18
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The bill being now gone through, the Speaker resumed the chair, and the report was ordered to be taken into consideration to-morrow.

FRIDAY, MARCH 12, 1784.

The House in a committee on the revenue bill, went through the same, with a few alterations, when

Alderman *Warren* proposed to add a clause to the following effect, viz. "That whenever any clandestine still or alembick should be seized in any parish or barony within this kingdom, a sum of twenty pounds sterling should, by the grand jury at the next assizes, be levied on that barony, and half that sum given to the informer, the other half to the county infirmary; or if in the city of Dublin, to the house of industry."

The Alderman said, his first object was to discourage clandestine stills, so injurious to the revenue, and fair trader, and so destructive to the health and morals of the people; this he thought

could best be accomplished, by making every man in the land a party in the business; for as it was hardly possible to carry on a distillery without the knowledge of the neighbourhood, every man to whose knowledge a fraud would come, would feel himself interested to discover it; or if he did not, would be justly punished for his connivance.

Mr. Montgomery (of Cavan) strongly opposed the clause.

Mr. Gardiner said, I rise with all my heart to second the clause introduced by my Honourable Friend. This never can be a great and affluent country, until the clandestine distillation of spirits is restrained, and the consequent drunkenness and immorality of the lower class reformed; to effect this is every man's duty, and every man's interest; for though some country gentlemen may mistake, and think they keep up their rents by protecting, or at least winking at these practices, yet it is most certain, was the distillery carried on in a fair and open manner, the revenue paid, and the brewery encouraged, lands would become more valuable; besides the infinite advantage that would redound to agriculture and manufactures, by rendering our peasantry a healthy sober race of men. The clause before the committee, as explained by my Honourable Friend, offers fairer than any thing hitherto proposed, to answer those desirable ends, and has my hearty concurrence.

Mr. Ogle said, he was always unhappy in differing with the Honourable Gentleman, (*Mr. Montgomery*) he highly approved the clause, which by interesting every man, would make every man a protecting officer; and he thought they would not be so easily eluded as the revenue officers were. The necessity of the measure was obvious at present, the revenue is injured, and the fair trader ruined, while the knavish and fraudulent distiller reaps the whole benefit; and this by turning the food of the poor into poison, and changing into a means of destruction, that which Providence intended for the preservation of the people's lives.

Sir Lucius O'Brien said, it was no small recommendation of the clause in his mind, that it had been introduced by the respectable representative of the city of Dublin, and supported by independent country gentlemen; and so highly did he approve of the idea, that this day he had, in another bill which he was preparing for the House, introduced a similar clause.

Mr. Alexander Montgomery said, the only way that ministers could put a stop to clandestine distillation, was to make the country gentlemen their friends, and reduce the tax on whiskey.

Mr. Molynaux and *Mr. Kearney* proposed instead of the barony, to amerce the town land on which a clandestine still should be found, and to give half the fine to the poor of the parish, the other to the informer; which being agreed to, the committee unanimously passed the clause.

Mr. *Gardiner* then proposed a clause to distinguish between the different manufactures filed new and old drapery, and to prevent manufactured goods from being entered under false denominations, as is now every day done, to the great distress of our poor artificers.

The Right Hon. *John Beresford* said, that the board had already exerted itself greatly on this subject, had entered into a law-suit, and obtained a verdict; yet, notwithstanding, the factors of foreign manufacturers were still entering into daily disputes with the officers, who were strictly enjoined not to pass any goods but under their true denominations; therefore, to prevent such disputes, and to protect our own poor artificers, he wished for the clause.

The clause then passed unanimously.—The committee then reported.

Right Hon. *John Foster*, from the committee of ways and means, reported the resolutions for establishing an Irish post-office; which report being received, he moved leave, with the assistance of the Prime Serjeant, the Attorney General and Solicitor Generals, to prepare a bill consonant thereto.—Leave being given, he soon after presented a bill for establishing a post-office within this kingdom, which was then read a first time, and ordered to be read again to-morrow.

Sir *John Blaquiere* said, that he wished to know why the great measure of protecting duties, had been delayed so long?

Mr. *Gardiner* felt himself called upon to say a few words on this occasion, as he had been the proposer of this measure. He hoped no man could suspect him of any kind of duplicity; (Here an universal cry of No! No!) he had not delayed the measure—gentlemen themselves had delayed it—they would not suffer him to curtail the evidence in the committee, and afterwards ordered the report to be printed. He was no judge of the length of time necessary for printing it, but was ready to make report at any time.

Sir *Hugh Dillon Massy* presented a petition from the County of Clare, for a parliamentary reform.—Received, read, and ordered to lie on the table.

Sir *Lucius O'Brien* said, if a parliamentary reform was to take place, to which he was a friend, and as he was always one to that county, which he had the honour to represent in parliament for many years, no place wanted reform more than that county—it was a county of consequence, being computed the 25th part of the kingdom:—There was a borough in that county in particular, where there were but four electors granted by James II. the legality of which he would say nothing of, but the proper proportion of returned members from that county, ought to

have been twelve at least; but if manly reform was agreed to, that borough should not stand in the way of the public.

Mr. *Dobbs* presented a like petition from the town of Carrickfergus.—Received, read, and ordered to lie on the table.

SATURDAY, MARCH 13, 1784.

The House resolved itself into a committee on the insolvent bill, Lord Delvin in the chair.

The Hon. *Richard Hely Hutchinson* moved, for the insertion of a clause in said bill, that persons receiving the benefit of the same, be discharged without fees.

Mr. *Rowley* moved, that the petition of Isaac Bomford, clerk of the Effoins, should be read, which being done, he moved an amendment, “that the fees of said Bomford, clerk of the Effoigns, should be paid by all persons taking the benefit of the insolvent act.”

This motion was opposed by Mr. Chatterton and the Provost; and the amendment being negatived, the original clause was agreed to.

Lord *Delvin* then reported, that the committee had gone through the bill, and the report was ordered to be received on Monday.

Alderman *Warren* presented a petition, respecting a clause in the corn bill, from the brewers of the city of Dublin.

Mr. *Foster* moved, that a committee be appointed to inquire into the assay of gold and silver plate, and what frauds are practised in selling debased plate.—A committee was appointed accordingly.

Mr. *Flood* said, that some short time since, he had done himself the honour to move this House for leave to bring in a bill for a more equal representation of the people in parliament. It was then the pleasure of this House to negative the proposition by anticipation, and to declare they would not suffer the bill even to be brought in. Here was an opposition from the enemies to the bill, but not on the merits of the measure, as it was not suffered to be introduced, and consequently they could not be known. The subject was sent back to the people, where it had been discussed with excess of application. The approbation it met could be only equalled by the ardour with which it was adopted. The more examination it underwent, the more it appeared founded in right, and the unanimous and persevering spirit with which it comes backed to this House, proves it too firmly riveted in the hearts of the people, to be easily erased by an abrupt and unusual mode of refusal. With respect to the

present idea of the bill, it was not necessary to enter into any long detail. It contained not his sentiments alone, but the sentiments of the nation, declared both publickly and privately in every capacity. When he found that to be the case, he was anxious to return to this kingdom, that he might be in his place, in order to stand forward in promoting this measure. If he had not done so, some kind friend would not be wanting to rise in that House, and say in his absence, that he had relinquished the principle.—Hardly had he quitted this country, when that falsehood was propagated of him. He would have made this proposition the first day he had the honour to appear within those walls after his return, had he not, in conversation with his Right Hon. Friend, (Mr. Brownlow) found this day had been named, to make a motion for leave to bring in the bill, and that his Right Hon. Friend had taken up the subject, not knowing he would be here to resume his station, and not give an opportunity to vulgar minds to calumniate his character. However, though his Right Hon. Friend had resigned to him, all his ability and weight would not be wanting to promote this object. With regard to one objection that has been made to this measure—that it would be an innovation on the constitution—he begged leave to say, no man could be a greater enemy to innovation than himself. He appealed to men of the first characters and abilities, within and without the walls of that House, with whom he had conversed, whether they ever heard him utter any sentiments on this subject, but sentiments of the utmost caution and jealousy for the rights of the constitution. He never would submit to even the appearance of novelty. His idea was to restore the constitution by moderate measures; not to introduce novelties, but to take them away. Errors may have crept in from many causes, from the lapse of time, from the supineness of the people themselves, and from the misconduct of their representatives. Will any man profess himself a friend to those errors, and say that he wishes them to remain? But the argument of innovation should not be urged against the friends, but the enemies of reform, as the former only want to remove what is pernicious. He was sensible of the difficulty that attends the present undertaking, and that it strikes at the personal interest and pride of a certain powerful description of men; he had also been a member of that House long enough to know, that it is not the rectitude of a measure carries it through. This must proceed from some radical defect; is it not therefore our duty to remove the distemper? If things are not as they ought to be, is it not necessary to make them so? He admitted it would be thought by certain gentlemen injurious to their private interest, if the constitution be restored to its original security; but they must also admit very great abuses to have crept into the consti-

tution, and that it is contrary to every principle of right and justice, that individuals should be permitted to send into that House 2, 4, or 6 members of parliament, to make a traffic of venal boroughs, as if they were household utensils. Is the constitution of this country the same it was originally? There is no man but knows it is not. Will any man be found to say, the innovations made in it are for the better, or were he to say so, could he establish the position? If all mankind confess that the constitution has been perverted, what could prevent an enquiry into how it was invaded? He knew nothing but private interest to stand in the way of this examination. When he was first spoken to on this subject, it was clear to him from the numberless obstacles in the way, that it could never be effected but by the ardent interposition of the whole body of the nation; he therefore received the proposition with coolness, and weighed carefully every circumstance, to see if there existed the least impropriety in it. The people thought him at best a lukewarm friend, and some, very possibly, a secret enemy to the measure. But when he saw the great body of the people in favour of the measure—when he saw a certain description of men in support of it, whom he shall ever esteem, and who ought not to be disparaged here, while the House of Commons is the seat of legislation, it was not possible for him to withhold his assent. To this description the nation should long remember the debt of obligation it owes; to men of as great virtue as ever ornamented this or any other country, who will be respected while time shall last; he mentioned these things lest they should be thought to make any alteration in the constitution, for the fact was they wanted not to cause an alteration but a restoration of the constitution. There are also some circumstances of an external nature which shew the necessity of this measure, and the probability of attaining it. It seems a point agreed upon in England, that a parliamentary reform is necessary; he should mention, he said, the opinion given by Lord Chatham, upon whose posthumous fame the present administration so firmly stands defended by the nation, though that great and illustrious man had been neglected for ten years by the public, and so large a portion of his valuable life suffered to be lost to the community. What were his sentiments on this important matter? His words most strongly enforce its necessity, in his answer to the address of the city of London, in which he said, that a reform in parliament was absolutely necessary, in order to infuse fresh vigour into the constitution, and that rotten boroughs ought to be struck away. A decision in England has established this doctrine.—Lord John Cavendish the late Chancellor of the Exchequer supported it, and the borough of Shoreham's measure was intended to be made general. When it was determined against that bo-

rough, no man thought it an innovation, as it had departed from the original principles of the constitution. With respect to the two great members of the House of Commons in England, now at the head of two powerful interests, between which that country is divided, we see them agreed on the necessity of a parliamentary reform. No man will say, they agree in this point, merely for the sake of agreeing; but we know their sentiments are alike on the expediency of it, and he had some reason to think they will persevere in this union of opinion. Will any one affirm our representation in Ireland, is more complete than that of England, though they have not been so loud and uniform in their declarations on that head? But we may infer what the sense of that nation is from the two great men increasing in popularity adopting it; as they would not have done so if they thought the people not inclined to the principle. The difference of sentiment that at present subsists between the representative and constituent of Great Britain, he adduced as another strong proof of the necessity of some reform. It could not be denied that the majority without doors, are in favour of the minister, as the majority in parliament are for his antagonist. Whence arose those unfortunate differences, but from the present defective representation?

Much argument had been drawn against the measure from the people's overawing this House; but he asked gentlemen, if they had not known many benefits to have resulted from the people's interference with their representatives? Let them go back to Lord Carlisle's and some other administrations before him; was not parliament in direct opposition to the sentiments of the people, and had not they reason to change their opinions in subsequent administrations, when the sentiments of people without doors overturned those of people within. They recovered your authority, continued he—Do you restore them their privileges. You state, and state it truly, that it is the nation which has begun this measure; and you also state that you are now in the recent possession of a free constitution, and that you will not find fault with the constitution. But is not this to tell England, that every thing that has been done by this country, proceeded from the same channel and was liable to the same objections? A body of men had been mentioned, he said, as having vitiated the principle by their interference—a body of men that ought always to be mentioned with respect in that House, while it continued to enjoy the consequence it had acquired from their exertions. But would any man say, that the principle is to be condemned, because a particular set of men had, agreeing with the whole world, approved of the measure? If this were once admitted, it would also vitiate the resolutions of the convention at Dungannon, in which that House, and the

nation afterwards concurred, because they were unanimous in voting that such resolutions were agreeable to the whole body of the people. The root was at Dungannon, and if this was to vitiate, that root was vitiated, and every thing founded on it must be also vitiated. This appeared to him to be an argument of absurdity mixed with ingratitude, little becoming this nation at any time, and much less so at this particular period. He had now endeavoured to shew that no novelty was intended—that nothing was intended but to restore the constitution to a reasonable degree of perfection—and that a reform could be the only adequate measure. He begged leave to observe, that the administration of England, which must always maintain an influence here, was in the highest degree convinced of its necessity. One of the most considerable members of that administration had declared to the world, that he was the advocate of a greater equality of representation. Were he of that country he would have made a permanent effort there; but as he was of this country, he would make an effort to restore the constitution to a just balance, and not to forego those rights we had so lately obtained. He then moved for leave to bring in a bill to rectify certain defects in the representation of the people.

Right Hon. *William Brownlow* said, this business had been originally brought forward with many advantages in its favour, from the assistance it received from the Hon. Gentleman's abilities. On that account, notwithstanding he had intended to make this motion, he thought proper to leave that part to him, and content himself with seconding it. It was high time they took some steps for quieting the minds of the people. There was a number of petitions now lying on their table, presented to this House to remedy the defects in our parliamentary representation. The bill that would be offered to their consideration, would contain a full, if not a perfect plan for a more equal representation of the people in parliament. It would contain some ground for effecting that desirable measure, though the plan might not be so perfect as they might make it. To acquire that degree of perfection, he hoped to meet with assistance from every side of the House. He could not suppose that any opposition would be given, as every ground of former opposition was done away; since the measure came now recommended by the general voice of the nation.— They could not frame the bill, till they had leave from the House to bring it in. He could therefore give but a concise account of what the nation expected from it.

That the people should have a real and not a nominal representation.

That the unjust privileges of boroughs should be abolished.

That the election of their representatives should be in the body of the people. And,

That corruption should be checked in the elected as well as the elector.

He did not want to abridge the privileges of parliament, nor to effect any change in the church, or in any department of the state: he hoped therefore no gentleman would disapprove of the principle of the bill, but rather lend his assistance to it. They were charged yesterday with tardiness in not applying sooner for leave to bring on this measure; but it was paying no more than due respect to the nation to wait for their petitions, which were for some time past coming in, in favour of the bill; to the number of which every day still added more. Out of respect to the present administration he must say, that he had every reason for expecting every support from them, as they had manifested a greater disposition to meet the wishes of the people than ever before experienced by this country. Our present chief governor had a large share of popularity. The voice of the nation was with him and his connexions, and he could inform gentlemen, that it would be his own fault, or the fault of his advisers, if ever he forfeited it. Many advantages would accrue to the nation by his retracting from, not only the other errors of his predecessor, but particularly from his disrespectful deportment towards the volunteers, which he hoped would no longer be made a court system. The power of government would no longer, he trusted, be opposed to this measure, as that opposition would no longer be able to bear it down with the insult and violence hitherto used. The Irish nation only wanted to support its independence by restoring to the constitution, the proper degree of democratic influence in the great scale of public government. He therefore hoped, that the bill would receive here that support it had already received from some of the most illustrious characters existing. As to the former determination of the House, on this question, it ought to have no influence on the present occasion. An Honourable Gentleman (Mr. Flood) had told them the sentiments of another country were favourable to a parliamentary reform; he knew the sentiments of this to be equally so. Though gentlemen may differ in other respects, he could not conceive they would disagree as to the necessity of this measure, and he would no longer trouble the House, but second the motion of his Hon. Friend.

The Attorney General.—When the gentlemen who propose this bill make a proposition in the character in which I have long known and respected them, I shall always treat it with the utmost deference and attention; but, Sir, I did on a former occasion oppose a similar motion, because, though disavowed, I knew it came from an armed body of men. I knew that they had sat in committee where it was debated, and it was notorious that in obedience to the order of that armed body, they brought it in to

this House: It was notorious that the Honourable and Right Honourable Gentlemen were joined in commission for that purpose, though they did disavow it; and if any man or any child had entertained a doubt that they acted under the authority of an armed convention, their declaration when they returned to that convention, "that they had, in obedience to their directions, proposed the bill," proves the fact to a demonstration. So it appears they were opposed on that day, on the notoriety of their commission, against the evidence of their assertion. On that ground I opposed them, and I should do the same now were they in the same characters; but as they are in their proper characters, they are entitled to all respect, and I will give their measure a fair and full discussion; and that the people may be convinced of the absurdity of their pursuit, I will freely debate the proposition; though upon any other occasion I would oppose the entertaining for a moment, the idea of any error or imperfection in the constitution of Ireland; and though, if it shall be negatived, I shall probably move to have the proceeding expunged from our journals.

Mr. *Brownlow* said, he did not want to appear in two characters; his conduct in that House was always steady and uniform. It was left to the House to adopt or reject the bill, as no man can pretend to deny, that they brought it forward as their own act. Before he sat down, he begged leave to observe, that some expressions had dropped from the Right Hon. Gentleman, which were rather harsh.

The *Attorney General* said, he should be extremely sorry to use any harsh expressions that could by any construction be made to relate to the Right Hon. Gentleman, for whose person and character he entertained the highest respect; but begged leave still to insist on it, that the Right Hon. and Hon. Gentlemen did disavow their coming with that bill from the national convention, and for the truth of it, appealed to the recollection of the House. It was notorious that the bill had been debated clause by clause, in a committee, and that the gentlemen were joined in commission, by order of that assembly, to introduce it here.

Mr. *Flood* said, he should only say a few words, in reply to what fell from his Right Hon. Friend, (the Attorney General) but with all respect should differ from him. It had been said, they were joined in a commission by the convention. This was an assertion impossible to be proved, as they had never received any. The Right Honourable Gentleman's ideas were so legal, they were often erroneous. Could not gentlemen talk an hour or two without a commission? Was nothing to be done but by patent? Was the great seal of the convention necessary to be affixed to a commission, to order them to come to the House of Commons? In the preparation of a bill for parliament, was it never known that

such men were considered as were supposed best acquainted with its objects? If the bill to be produced has reference to the law, we consult a gentleman of the bar, as most conversant in such matters, and by so doing, in some sense, make him a legislator. If to merchandize, we apply for information and assistance to a merchant, and make him also a legislator. The national convention was a part of the people, who were in favour of a parliamentary reform; they were merely the proposers of matter, and left it with parliament to adjust this matter, and to make what alterations or additions they pleased. Gentlemen would not take up the whole of the business, but undertake to find fault with a part, as if the volunteers were a mercenary army in the pay of the crown—as if volunteers were the refuse of the nation; but so far was this from being the case, that the volunteers of Ireland were composed of men of the most respectable characters, and held in the highest degree of estimation in every part of the world.

Formerly every freeholder was a military character, as at that time there was no military character but was a freeholder, for the character of a soldier and freeholder were then united. In the early times of our constitution, they were never separated. As the sense of the community was for the measure, there was no reason to speak under the particular authority of a commission from any man or set of men. If other men entertained then the very same sentiments, surely no man would say that could be any reason why they (Messrs. Brownlow and Flood) should reject them. Other men had concurred with them in sentiment, and not they with other men. He said, he never proposed the measure as the sentiments of the volunteers only, but as his own, wherein the volunteers agreed with him. He hoped therefore to hear no more of a commission that never did exist. When they brought the proposition down to the House, they brought it through an opinion of its propriety, and not as the dictates of any body of men on earth. It is true they were proud their opinion had been adopted by the majority of the nation, but disavowed any commission, as they introduced the bill through conviction of its necessity.

The Prime Serjeant.—I do not propose, at present, to enter at large into the merits of this question. I am merely to say a word to excuse myself and those from any imputation of inconsistency, who suffer now this bill, under its exceptionable title, to be brought into the House, or who give leave to open the subject again, even to a moment's discussion; a subject which I thought by what had already passed in parliament, to have been for ever closed, at least, to have been finally concluded, for the remainder of this session of parliament; I believe every man who

hears me, must concur in this, that the bill is now permitted to be brought in, more from motives of civility to the decorous manner in which it is at present offered, and of respect due to the many petitions of those at whose desire it is introduced, than from any possible idea of the propriety of the requisitions which those petitions contain; it is permitted to be introduced with an hope of convincing the petitioners that they are wrong, rather than from any the least intentions to yield to their ill-timed importunity. Something has been said by way of attempt by the Hon. Gentleman who has introduced this subject, to draw the present administration into a support of his project. I think, as their friend, I ought to speak out to them, and declare such bold truths as I never have done: This administration is precluded from taking any part in this business contrary to the already declared sense of parliament; parliament have anticipated the present administration upon this subject, and they have no alternative left in acting upon it. In honour and duty, they are bound, they ought and must support that parliament which has, and I doubt not will support them.

Parliament have already closed this business, and even signified to the throne their determined resolution to support the constitution against all innovation or encroachment; the sense of parliament has been approved of by the crown, and has been echoed from the throne to both houses; would it not then be violence and tyranny in any administration, after what has passed, to insinuate an inclination to adopt an opposite conduct?

I find the drum of the Honourable Gentleman again beating up for volunteers: now, as the sense of the public has been conveyed to me, I learn that as good volunteers, and perhaps the best in the land, if they admit of comparison, resist this scheme of innovation; both leaders and privates resist it, all sober men resist it, the good sense of the nation resists it, and therefore let it be no longer deemed the universal wish of the volunteers because one gentleman volunteer happens in debate to assert it.

I congratulate the Honourable Gentleman on his recent discovery of the antiquity of the volunteers, but I own I am surprized that knowing their early origin so well, he should so long have treated them with coldness and neglect, and even decline to mix amongst them. I believe the first volunteer coat which he sported, was not put on until almost every body else had worn out their last suit. If he was so well acquainted with their constitutional antiquity, and had not doubted of the propriety even of their existence, why did he not grace any of their corps with his early appearance, and enter much sooner into the service as one of them?—Because it was not sooner necessary to his own purposes. The Honourable Gentleman says, that in England both the leaders of ministry and of opposition entirely approve of a reform;

if so, why did he not condescend to lend them his illustrious assistance, and try his hand there, in the first instance, where he had so much power to support him, being as he is, an independent member of the British parliament, freely returned to represent the people of that kingdom? Why did he not seize the opportunity which he so lately has had, to display his talents there, upon his favourite topic? Because he knew from his heart that the body and the wisdom of that great people were decidedly against it; he knew that no union of talents or of interests could conciliate or cram down such a crude and impracticable scheme of wild and fanciful speculation. I have often heard, and the account has struck me with some force and horror, that it is a practice amongst other empyrics, when they wish to try the success of any dangerous or desperate operation, to petition the crown for a convict; do not let us debase ourselves to become that worthless condemned convict, nor offer ourselves and our healthy constitution as a subject only fit for amputation and dissection to political empyrics, to make their mercilefs and wild experiments upon: Let England, if the thing is right, or necessary, or desirable, let England just try this experiment herself, we may then perhaps follow her at a safe and cautious distance; but if she has rejected the scheme which was found impracticable by the ablest and wisest statesmen, let us disdain to adopt the exploded project, nor suffer ourselves to become the victims of an experiment in very inferior and forlorn hands indeeds, which may prove the certain ruin of our state, and the sure destruction of our constitution.

Mr. Mason.—After the notoriety of the fact, I thought no man would be so hardy as to deny that the Honourable and the Right Honourable Gentleman came commissioned from an armed assembly.—The Honourable Gentleman says, he did not deliver their sentiments; perhaps that may be true, but we all know he contrived to make them deliver his. The gentlemen deny that they were commissioned. Surely if ever men were commissioned they were, and the proof is, what I think they will hold too sacred to deny.—I mean the votes of the convention, published by authority: There it appears, that the gentlemen request the convention to continue sitting till their return, in order to give weight to their measure.

Mr. Flood.—Having been personally called upon, I must say, that if the former conduct of the House should decide against—
[Here there was a violent clamour in the House, and a cry of *spoke, spoke, spoke.*]—*Mr. Flood* raised his voice to the highest pitch, and in vain endeavoured to proceed. The clamour increased, and the House seemed determined not to hear him, whereupon

The *Speaker* arose, and a profound silence immediately ensued. He said, that the order of the House certainly was, that no member should speak more than once in a debate, except for the purpose of explaining any thing that might have been misunderstood. This order indeed had not for a long time been strictly observed, till the House, finding great inconvenience arise from the neglect of it, had resolved to enforce it more strictly for the future, and, though he had always great pleasure in hearing Mr. Flood speak, he could not now allow him to proceed, except he rose to explain, or except the House should think proper to dispense with their order.

Mr. *Flood* then declared that he did rise to explain. He said, the character of a soldier and a freeholder was not, at any period of time, inimical to the constitution. He was not quick in taking up any thing, nor was he quick to lay it down. He was not quick in adhering to one administration, and afterwards quick in deserting to the next, though it professed principles diametrically opposite. He was a volunteer, and would continue so, but begged leave to say he uttered no other sentiments than his own in that House, though the Honourable Gentleman lamented he had not sooner.

Mr. *Prime Serjeant* begged, if his words were to be quoted, they might not be misquoted. He had not lamented that the Honourable Gentleman (Mr. Flood) had not sooner become a volunteer; nor would he have lamented if he had never become a volunteer. The Honourable Gentleman might as well quote the whole of the Lamentation of Jeremiah, and attribute it to him.

Mr. *Flood* said, as to the Lamentations of Jeremiah, or any other lamentations, they were indifferent to him. He did not change every day, and bow to every administration: He did not go with the earliest pan of incense to the castle. As the Right Honourable Gentleman (the Prime Serjeant) had said, the volunteers, and the leaders of the volunteers, were enemies to the measure of reform, he was glad it was exonerated from objections which formerly caused its rejection. With regard to himself, he had done every thing in his power to promote this great end, and felt nothing to reproach himself with on that account. As to the leaders of the volunteers being enemies to this bill, he could appeal to a very illustrious and distinguished leader (Lord Charlemont) near him, to disprove the assertion, and he had received strong assurances that the volunteers were not inimical to it. He was proceeding in an animadversion on the Prime Serjeant, when he was a second time called to order.

The question was then put, and the motion agreed to *nem.*

MONDAY, MARCH 15, 1784.

The House sat successively in committee on the Waterford police and naturalization bills.

The *Provoost* presented a report from the committee appointed to take into consideration the state of the physic school in the University of Dublin, and moved for leave to bring in a bill pursuant thereto, which was granted, and a committee ordered to prepare it.

Mr. *Gardiner* made his promised motion, that the committee on the revenue bill, be empowered to receive a clause to ascertain more accurately the duties payable on old and new drapery imported into this kingdom.—Ordered accordingly.

The order of the day was then read, for taking into further consideration the report of the select committee appointed for trying the Enniscorthy election, Sir Vesey Colclough being in his place, and William Alexander English, Esq; at the bar.

The report of the committee on the Enniscorthy election having stated that the sitting members were duly returned; also, that Sir Vesey Colclough, the returning officer, had been guilty of great misconduct in acting under the corrupt influence of William Alexander English, Esq; as appeared by a certain deed or instrument, by which he, (Sir Vesey) for full and valuable considerations heretofore received, bound himself to return said English for the borough of Enniscorthy;—the deed was now produced to the House, and the *Speaker* asked Mr. English what he had to say in his defence to the charges against him in the report.

Mr. *English* (the bar being let down) said, I have attended this day the order of this Hon. House, though threats were not wanting to intimidate me from coming here; but I depend on the candour of this House, when they hear of the ill treatment a man has received who sat as a member of this House during the last parliament and part of this session, and flatter myself with some little credit; How mortifying, then, to find myself at your bar a culprit!

The *Speaker* desired Mr. English would confine himself to his defence.

Mr. *English* proceeded.—The opinion of this House I am confident, will change when they know I have paid a considerable sum of money without any value whatsoever, and now I am called upon to pay more money.

Sir *John Parnel*, the chairman of the committee, said, as to the specific matter of the election, the committee were bound on oath to decide, and that the House had no controul over their decision, but when any thing extrinsic of that matter arose, they

were to report it specially, subject to the controul of the House; he therefore moved, that the question should be put upon that part of their report, whether the House did agree with the committee, that Sir Vesey Colclough had acted in the manner stated; he said, he was not anxious to press the question at the present moment, but would allow the persons charged all reasonable indulgence in point of time, and wished they might be able from any circumstance to dispose the House in their favour.

Mr. Toler.—The decision of the committee cannot be called in question or impugned by any judicature on earth; their determination relative to elections being final and without appeal, to put a question whether we agree with them, would be throwing a doubt on their authority. I rose to say thus much, Sir, as I think this a very momentous business, and as I hope the Hon. Baronet will follow up his report with that vigour and spirit which distinguishes him, that the people may see parliament preserving inviolate the rights of election, and be convinced that a parliamentary reform is not an act of such necessity as clamorous men would persuade them to believe.

Sir John Parnel.—As to the return, the decision of the committee is undoubtedly final, but the misconduct of the returning officer is to be specially reported, as directed by the former act of parliament; it is now before the House, but as I said before, I would wish to give the parties a reasonable time to prepare their defence.

Attorney General.—By the charge against Sir Vesey Colclough he appears equally culpable, whether he be the returning officer or not. As to the return, the committee have confirmed it; and their report of Sir Vesey Colclough is not therefore for having made an illegal return, but upon another collateral charge of having acted under the corrupt influence of an agreement with William Alexander English, which act of his being proved, is punishable, whether he was the returning officer or not. Now, as to the election, there could not be any entry made, but that it was legal or was not legal; the entry could take no notice of the returning officer, and therefore the Hon. Baronet was perfectly right in reporting it specially and moving a question on it separate from the report of the election, on which no question can be put.

One word as to the person at the bar.—I hope it is understood that no man shall presume to execute any civil process on him while he is attending, by order of this House, as it would be the highest act of contempt that could be offered.

Sir Frederick Flood rose after the Attorney General, and argued strenuously in favour of Sir Vesey Colclough. He said he was sure the House would acquit him of any partiality to that gentleman, for he owed him none: But he hoped it would be considered that

the instrument reported as the foundation of his misconduct contained no specific crime. It stated only a general charge of misconduct arising from corrupt influence, without distinguishing any species of corruption; and that the words valuable consideration mentioned in the agreement alluded to, might as well be the consideration of friendship, or the influence of landlord or creditor as any other; and concluded by imploring the House to have mercy upon their brother member, who threw himself upon their feelings, and declared the innocence of his intention.

Sir *Vesey Colclough* spoke with great apparent difficulty, being much indisposed; he acknowledged that the committee had acted with justice, with honour, and even with lenity towards him; but he lamented that by some extreme ill health he had not been able to make his defence before them; which had it been fully exhibited, he was convinced, would have produced a different report. His council, he said, was too nearly connected with certain persons, and had not brought out the evidence which he might have done before the committee. The deed, he said, had been drawn by Mr. Ryan, unknown to him; it had been brought to a tavern, where, after some drinking, he had been persuaded to sign it; that he had objected to the words "valuable consideration;" but he was told they were merely words of course, and necessary in point of form; that he never had received a shilling from English; and it was well known that he could no more give him 2000*l.* than he could give him the wealth of India.

Sir *John Parnel* said it had appeared to the committee that the circumstance of Sir *Vesey Colclough's* signing the deed was just as he had stated it, with this addition in his favour, that in perusing it, when he came to the words—valuable consideration—he stopped and said, surely it is chiefly your friendship which is the consideration.—He then read from the minutes of the committee, the evidence relative to this point.

Attorney General.—I never was more pleased than to find the defence of the Hon. Baronet so well supported by evidence laid before the committee; no specific sum has been alledged as given, and the evidence states that the Hon. Baronet objected to the words—valuable consideration—as having the appearance of a bribe, and said it was chiefly friendship, so that by the evidence he did not take a bribe, though indeed he has been guilty of great misconduct; but as he seems extremely sorry for his indiscretion, and as I trust the anxiety this has cost him, will prevent his falling into the like again, I think there is no necessity of passing any very severe censure at this time.

Mr. *Gardiner*, though perfectly well disposed to shew lenity, declared he thought the House in a delicate situation. The report of the committee, he said, could not be controverted, that

report must be entered on the journals; and if nothing appeared done in consequence thereof, in future times what opinion must they who should read those journals, form of the present commons of Ireland?

Sir *John Parnel* desired that all the minutes of the committee might be read, as evidence had been given of 240*l.* also paid to Sir *Vesey Colclough*; he did not, he said, wish to draw the censure of the House upon him, but in justice to a set of virtuous and honourable men, of whom the committee was composed, he held himself bound to support their decision.

Right Hon. *John Foster* proposed to adjourn the further consideration of the business for a week, that the Hon. Baronet might have an opportunity of making his defence.

The *Speaker* said, it was always customary, when a member of the House was charged with any misbehaviour, to furnish him with a copy of the charge, and allow him reasonable time to prepare his defence.

Sir *Vesey Colclough* thanked the Right Hon. Gentlemen for their kindness towards him, assured the House that the judgment for 240*l.* never had been transferred, and that he had no further defence to offer. And added, that for an invalid like him to lie under the pressure of doubt for a week, was a degree of torture the animal system could not bear.

Right Hon. *John Foster* said he might be better advised in the course of a week, and therefore persevered in his motion, to adjourn the further consideration of this business for a week.

Sir *Boyle Roche*.—I have long known the Hon. Baronet in this House, though I have not a personal acquaintance with him, and he always seemed to me in a state of insensibility. That gentleman I never remember to see in the street but he seemed in a situation unable to guide himself. I hope his relations will take proper care of him. If in this House he does not proceed with honour and propriety, I hope it will be imputed to a state of intoxication; and as I suspect his reason is touched, I would be very tender of awarding any punishment. This day and every day it appears that his judgment is never able to direct him, and if his actions are not always correct, it is because they are the actions of such a man. On this ground only I can support the vote I intend to give.

The question was put, that this business be adjourned for a week, and passed unanimously.

Mr. *Corry* took notice, that by an act of the last session of parliament, a further tax of five per cent. was laid on all goods paying the duty of custom or excise, by which means, he said, the influence of the excise laws had been so far extended, that suits formerly cognizable in the courts of law were now tried before the commissioners of excise, to the great distress of the

mercantile people. He therefore moved, "That the committee on the revenue bill should be empowered to receive a clause, directing that such goods as are liable to custom only shall be tried as formerly."

Right Hon. *John Foster* said, he rose to suggest to the Hon. Gentleman a circumstance which perhaps he had not considered—that the money arising from this tax was appropriated to be paid in bounty on linen exported, and therefore, as a friend to the linen manufacture, he could not consent to have it taken away. He trusted the Hon. Gentleman would see it in the same light, and deem it unwise to take off a tax which had been laid on imported manufactures, for the purpose of paying bounties on the exportation of our own.

Mr. *Corry* said, his object was not to take off the duty, but merely to bring back the trial to the constitutional mode by jury, as he thought every other an infringement of the subjects right. He said, he had been solicited by several respectable merchants to make this motion.

Right Hon. *John Beresford* requested Mr. *Corry* would state to the House the particular goods that were affected by the last regulation, and the particular merchants that thought themselves aggrieved.

Mr. *Corry* thought his motion sufficiently founded on constitutional principles, to which the extension of excise laws was utterly repugnant.

Right Hon. *John Beresford*.—When the Hon. Gentleman brings forward a general accusation, it is incumbent upon him to mention at least, one instance of injury sustained under the law he complained of; but I assert no merchant acting fairly can be aggrieved by it, while smugglers receive their due punishment. There are no goods particularly affected by this law but woollen goods: Now if the Hon. Gentleman wishes to protect our own manufactures, he will be glad to see the duty on woollens strictly levied.

It is notorious that the enormous quantities of manufactured goods imported into the town of Newry under false denominations, have done infinite mischiefs to this country. The King has been cheated of his duty, the manufacturers of the south have been destroyed, and that of the north injured, while the people of Dublin have suffered great losses, through those clandestine importations, by which almost the whole province of Ulster has been supplied; to so great a pitch had this fraud proceeded, that government was obliged to devise means to check it, and I was sent to Newry on that occasion to inform myself of every circumstance, and to put a stop to those enormities. I am almost afraid to mention what appeared upon enquiry; it was clearly proved, that one house imported woollens from 28 to 30,000*l.* a year, though

the whole town of Newry had not paid duty for goods to a fourth of that amount. These gentlemen were soon after detected in smuggling a great quantity of goods, but as it could not be proved to the satisfaction of a jury, those goods were not condemned. However, since the passing of the laws which the Hon. Gentleman complains of, they were again detected, and their judges thought proper that they should forfeit the goods; they appealed indeed, but the decree was confirmed.

Sir *Hercules Langrishe* said, as the duty on imported woollen was applied in the way of bounty to encourage the exportation of linen, the more faithfully that duty was collected, the greater would be the quantity of linen exported; and asked whether it would be good policy, this being the case, to admit woollens without paying the duty chargeable on them.

The *Attorney General* said, the title of the revenue bill was, for the more effectually collecting his Majesty's duty, &c. but if this clause was introduced the title must be changed, and it must be said for the more ineffectually, &c.

Mr. Secretary *Hamilton* said, if the Hon. Gentleman's clause was admitted, it would defeat the whole excise system, for most articles being liable both to custom and excise, it would leave in the smuggler an option under which law he would be tried, by which means frauds against the revenue would not often be punished as they deserved.

Mr. *Hartley*.—Though a merchant and a friend of merchants, I wish in this case to see the law have its full operation, as by the abominable frauds that have been stated, the fair trader is greatly injured, and the manufacturers of this country destroyed.—After what has been said, shall we cut off the small protection that is allowed to our manufacturers? No, on the contrary, I think the country is much indebted to the wisdom and activity of the Right Hon. Gentleman, which have been exerted so obviously to the advantage of our manufacturers.

Mr. *Corry* said, that as there were doubts that his motion might prove injurious to the manufactures of Ireland, he would not press it till he had given it further consideration; reserving therefore his principles, he would for the present withdraw it.

The *Attorney General* said he was glad that idle, silly, nonfenceful motion to facilitate smuggling, and to exempt the people of Newry from the operation of the excise laws, was withdrawn. Idle, absurd, and doubly absurd he called it, as being proposed to enter into a law for the better collecting of the revenue; and wondered that any man could introduce such a motion, and then withdraw it.

Mr. *Corry* said he was not much surprized at such improper language coming from the Right Hon. Gentleman, as it served to shew

his ignorance of parliamentary decorum, of constitution, and revenue law.

House read several bills a second time, and adjourned.

TUESDAY, MARCH 16, 1784.

The House received the report of the committee on the corn bill, and agreed thereto.

Right Hon. *Henry Grattan* said he was happy to have it in his power to remove an imputation that had been thrown upon Lord Northington's government, "That he had bargained with Mr. Hamilton, the Chancellor of the Exchequer of Ireland, to give him a pension of 2,500*l.* a year, in lieu of the emoluments of his office, conditioned that he should resign the same;" whereas the fact was, that Lord Northington had refused to grant Mr. Hamilton the pension in question: And as he had the honour to support that administration, he thought it incumbent on him to remove any prejudice that might arise from such an imputation.

Right Hon. *Thomas Orde* said, that with the utmost respect to the Right Hon. Gentleman, and to Lord Northington's administration, he thought the affair differed in a small degree from what had been stated. Lord Northington, he said, had not absolutely refused granting a pension, but had laid down one principle by which he acted in the business alluded to, that was, that Mr. Hamilton should be allowed a pension precisely equivalent to the emoluments which he drew from his office in Ireland, and which were reported to his lordship as equal to 1,800*l.* a year. On the part of Mr. Hamilton, a pension of 2,500*l.* was demanded; this Lord Northington had refused—But he submitted to the House, whether that refusal could be deemed a determination against granting any pension at all, as he had consented to grant a pension equal to the office.

Right Hon. *Henry Grattan* then read a letter from Lord Northington on the subject, which seemed to coincide with what Mr. Orde had advanced.

Right Hon. *John Beresford* spoke to the same effect as Mr. Orde had done. He said further, that the salary of the office was 1,200*l.* a year, the perquisites at an average 900*l.* which taken together made 2,100*l.*—and if Lord Northington had granted a pension equal to that sum, free of absentee deduction, it would be better to Mr. Hamilton than 2,500*l.* per ann. subject to the tax.

Prime Serjeant.—When the nation is to treat with an individual for the relinquishment of an honourable and lucrative office, with

which he does not desire to part, though for a thousand private reasons he cannot reside in Ireland, is it dignified or becoming conduct for us to stand chaffering for one hundred or five hundred pounds? We all desire to see the office brought home, as one badge of our imperial consequence; and if we do, is there not a degree of meanness to enter into a very minute investigation of its value? Lord Northington, in proposing to give the value for it, though it seems that value was not well explained to him, acted, in my opinion, a publick spirited part; and the worthy gentleman who enjoys it, by consenting to relinquish, shewed a proper degree of respect to this country.

Mr. Molyneux rising, *Prime Serjeant* continued.—I know the powers of the Hon. Gentleman's eloquence, and that he could now entertain the House with a splendid oration on this subject, but submit to him, whether he will not have opportunities enough of displaying his abilities on more gracious occasions.

The House resolved into a committee on the post-office bill, the Right Hon. John Foster in the chair.

Mr. O'Hara moved to postpone the business until to-morrow. This motion was negatived without a division.

Mr. Molyneux opposed the increase of postage, as unnecessary; but even if the produce of the office was deemed insufficient at the present rates, it would, he said, be better to reduce the expences of the establishment, and restrain the practice of counterfeiting franks, than tax trade and commerce by an additional duty of postage.

Sir Henry Hartstonge.—As many gentlemen are gone to their dinners and other amusements, I cannot tell how I shall be supported; but at all events I shall venture to move you, Sir, that instead of 2d. for the first fifteen miles, 1d. shall be charged on each single letter.

Mr. Molyneux seconded the motion.

Mr. Hartley also supported it, not as enemy to the bill, but as supposing that the increase of the post-office revenue, by the restraint laid on franking, would be sufficient without any additional tax.

Mr. Corry said he had no objection to the principle of the bill, or the officers of the post-office, but thought the regulation by which the circle immediately encompassing the trading towns, was too heavily burthened by doubling the postage in the first fifteen miles, and feared it would prove highly detrimental to the little traders.

Mr. Dunn.—I should be extremely sorry to oppose this act, so much desired by the nation, as the last proof of our restored liberty; but till I have some better grounds than at present I possess for increasing the rate of postage, I must vote against that increase; in all other cases proper documents are laid before the

House, and time is given to consider them. If a sum of money is wanted for any purpose, that purpose is explained, and an estimate laid on your table, and you grant a greater or less sum as you approve the estimate; but in the present case we are called on to vote an increase of tax without having any estimate laid before us. Indeed we are told that it will be highly advantageous; perhaps it may; but can any man without the smallest information vote for it? As to me, in my present state of ignorance, I confess I cannot. Nothing could be more easily done than to lay before us the amount of our inland postage; as to any thing external, we have no right to it; but if the inland postage and amount of franked letters were before us, we should have data, by which we might ascertain the probable amount of the same that would arise from the tax proposed.

There are two circumstances which will tend greatly to increase the post-office revenue. The first is, the restraint laid on franking, which was indeed absolutely necessary, from the monstrous degree in which counterfeiting prevailed, while the post-office was permitted under an English law; but now when it is to be established under a law of Ireland, that practice will be abolished.

The dating prescribed by this bill is indeed an excellent mode to prevent forgery; for when it shall be known, for instance, that all the members of the county of Cork or of Donegal, are attending their duty in parliament here at any particular period, it will be impossible to pass counterfeits with their names at that period; this will give an effectual check to forging franks, and tend greatly to increase the revenue.

Another circumstance that will also tend to encrease the revenue, will be the confining the conveyance of letters to the post-office only; formerly, while England was the letter-carrier for this country, people sent their letters by any person they thought proper, by hackney coachmen, cartmen, or any other description of carriers, notwithstanding the prohibition of an English law which nobody would obey. But now, by a law of Ireland the post-office will have the exclusive right of conveying letters, and any person interfering will be highly punishable.—All these circumstances, I say, taken together, will so far encrease the revenue of the post-office, as to make the additional tax unnecessary.

Mr. Forbes.—I rise not only from my own conviction of the partiality and inequality of this tax, to oppose it, but also at the desire of a very respectable community of trading people, who will be materially affected by it. The town of Drogheda is the only considerable place of trade within the circle of thirty miles—the postage to that town will be enormously encreased, while Cork and Limerick, and all the more distant parts remain

precisely as they were. Now I will ask, upon what principle of equity or justice a letter to Drogheda, which is only 22 miles, shall be charged 3*d*. while a letter to Cork, which is 122 miles, shall be charged but 4*d*.? If it is necessary to tax the people, let them be equally taxed, let them pay in proportion to the accommodation they receive.

All the payments in the trade between Drogheda and Dublin are made by bills, numbers of which pass between the two places every post; each bill with its envelope will be charged, as a double letter, and this will fall very heavily upon their trade. Therefore, as it has not been shewn that the bill now before the House is necessary, either on a principle of supply, of finance, or regulation, and as it is a matter of great indifference by whom our letters are carried, I would rather authorize England to carry our letters for another year in the former manner, than pass this bill till it is arranged on a more equitable plan.

Attorney General.—If gentlemen will please to recollect, they must acknowledge, that an act of the parliament of Ireland, to establish a post-office, has been a favourite object, though the Hon. Gentleman now chuses to leave the management of that office to England, because the new regulation affects the town of Drogheda. I do admit that town is affected by it, but it is the only place of trade that will feel the least inconvenience, for there is no other within the circle of thirty miles: within that circle reside great numbers of gentlemen of fortune, and therefore the tax will fall just where it ought to fall, on those who best can bear it—beyond the circle of thirty miles, lie all the other great trading towns in the kingdom, and they are so far favoured, that the postage between them and Dublin is not at all increased.

It is alledged that no documents have been laid before the House, and that the increased tax of postage is unnecessary: All the papers that gentlemen have been pleased to call for have been produced, and now lie upon your table; from them it appears, that the income of the post-office is 14,000*l*. per annum, from our internal postage its establishment is 15,000*l*.—consequently there is an annual loss of 1,000*l*.—Now it is well known, that the cross-posts in many parts of this kingdom, are on a most wretched footing; many considerable places have no post-office at all, and in others they are so poorly supplied, that a letter by a cross-post is the most uncertain thing in the world: In the whole county of Kerry there is but one post-office, and in the county Leitrim no post-office at all. From Limerick to Cork is but fifty miles, the post between those cities takes a circuit of 150 miles. Mallow is but 14 miles from Cork, yet as all letters are obliged to be carried first to Clonmel, the post route between Cork and Mallow is 80 miles. While the post-office

was under the controul of another country, we could not rectify those defects—but now it is to be made efficiently useful—the expence will be increased, but the advantage to the public will so far outgo the expence, that when it has been tried, people will be very loth to relinquish it.

Some doubts have been stated that the tax will raise a large and unnecessary sum from the people. In the estimates for this year, the post-office has been stated as a source for 12,000*l*. I hope with the aid of the 4000*l*. from England it will produce that sum; and if there should be found any great redundancy, or any inconvenience arising from the new regulations, the bill may be altered next year.

The *Secretary of State* spoke to the same effect; and demonstrated the great necessity of some new regulations, especially with respect to Cork, where printers were obliged at their own expence, to keep couriers, to anticipate the common post, which in its progress to that city, was obliged to make a large circuit.

After some gentlemen had spoken their opinions on this subject, the question for reducing the postage was put, when there appeared,

Ayes,	—	—	11
Noes,	—	—	47

Mr. *Forbes* proposed a motion to exempt the town of Drogheda from the increased tax, which was negatived without a division.

The committee went through the bill.—Their report was ordered for to-morrow.

WEDNESDAY, MARCH 17, 1784.

The House, according to order, resolved itself into a committee of the whole House, to take into consideration a bill for the erecting and building of a new and convenient goal and marshalsea in the city of Limerick, for the county and county of the city of Limerick, and to enable certain trustees or commissioners therein named to purchase ground whereon to erect and build the same; and after some time spent therein the Speaker resumed the chair, and Sir *Henry Hartstonge* reported from the committee that they had made some progress in the matter to them referred, and that he was directed by the committee to desire leave to sit again.

Resolved, That this House will, to-morrow morning, resolve itself into a committee of the whole House, to take the said bill into further consideration.

Mr. *Mason* presented a petition of Benjamin Taylor and John Lambert, clerks of the peace for the county of the city of Dublin, setting forth that petitioners apprehend that if the bill lately introduced for the relief of prisoners charged with certain crimes, respecting their fees, should pass into a law, it would materially injure petitioners, unless by such bill the several grand juries of the quarter-session court of the city of Dublin should be authorized to present a sum adequate to the trouble and expence petitioners must be at in executing the duties of said office.

Mr. *Hartley* moved for leave to bring in a bill for the importation of cloves, cinnamon, mace, and other spices, directly from Holland.

Mr. *Brownlow* presented a memorial from the freeholders of the county Armagh, purporting, that, as there had not been any thing done, or any notice taken of their petition, in favour of a parliamentary reform, they begged to put them in mind thereof, and to come to a determination thereon.—The receiving the memorial was objected to as irregular; it was referred to the Speaker, who was of opinion it was so, as the petition was ordered, with others, to lie on the table, for the consideration of the House.

Mr. *Corry*, according to order, reported from the committee of the whole House, appointed to take into consideration a bill for extending the provision of an act passed in this kingdom in the nineteenth and twentieth years of his Majesty's reign, intitled an act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers and others, as shall settle in this kingdom, that the committee had gone through the bill, paragraph by paragraph, and made several amendments thereto, which he read in his place, and after delivered in at the table, with the amendments; and the amendments were once read throughout, and then a second time; and the question being thereupon severally put, were agreed to by the House.

Mr. *Foster* reported the bill for an additional duty upon hops imported; and also the American trade bill.—Both ordered to be engrossed.

Committee on the revenue bill, Mr. George Ponsonby in the chair. Reported some progress.—Leave was given to sit again to-morrow.

John Henry was committed to Newgate for prevarication in his evidence before the committee on the Westmeath election.

The House resolved itself into a committee on Mr. O'Hara's freehold registry bill, Sir Hugh Hill in the chair.

Mr. *Chatterton* objected to the bill; he mentioned the great number of election laws, and that taking up the subject by piecemeal, instead of remedying, would encrease the present defects; that nothing was more wanted by this country than one regular well digested code, and to repeal all the former. That he had the honour, some days ago, of submitting to the consideration of the House, a bill on this subject, which, he hoped, would answer every useful purpose. After a short debate, the chairman left the chair, and Mr. O'Hara withdrew his bill.

Mr. Chatterton's bill for the regulation of elections for members to serve in parliament, was also withdrawn, and a committee appointed to revise the election laws, and to prepare a bill for that purpose.

Sir *James Cotter* said, it had been reported and threatened, that a petition would be preferred to the House from the county of Cork; he had waited in expectation thereof, but as they had not thought proper to present such a petition, he would therefore, as the subject of reform was soon to be discussed, present a petition from certain of the freeholders of the county Cork, which stated, that if any other petition entitled from that county should be brought in, it would be found not to be the voice of the county; as on a comparative view it would appear, that nine-tenths of the landed property, and people of the first consequence therein, were against the measure of the reform.

Mr. *Uniacke* said, that this petition was really the sense of the people of Cork.—It was ordered to lie on the table.

THURSDAY, MARCH 18, 1784.

Mr. *Corry* called the attention of the House on a subject, he said, of very great importance to the trade of this kingdom. That being himself chairman of a committee on a former day, for investigating the same, all materials for throwing light thereon, appeared to him extremely defective and insufficient. The object of this enquiry, he said, was the duties on the importation of East-India goods into this kingdom from England, and the regulations under which they were collected. That on the most painful and laborious enquiry into the committee, he found no information clear enough whereon to ground a report; and anxious to attain his ends, though the matter was involved in such dark intricacies, he saw no mode so likely to succeed in, as a minute inspection into the statutes, to which he applied all his attention with unremitting diligence, and had then in his hand every useful extract, that he thought pertinent to the il-

illustration of the object of his enquiry which he intended to lay before the House for their inspection. He then went into a retrospect of the trade as carried on by the English East-India Company, since the reign of Queen Elizabeth to this day, making judicious remarks on the variations it underwent in each succeeding reign. He then pointed out from his extracts, some useful hints on the teas, muslins, calicoes, and wrought silks, imported into this kingdom from England, being the produce of the East-Indies, concluding, after taking this summary view, that hitherto our importation and consumption of such goods, was giving an exclusive monopoly to the English East-India Company, without an adequate compensation. That the arrangement, or regulation, in collecting the duties on such goods, in his judgment, militated against the act of navigation; and circumstanced as we now stood, in regard to our late emancipation, it was an object of the first magnitude, to have adjusted; that for his own part, he exerted his efforts to bring it into as fair a view as possible, and would consider his pains well requited, if any gentlemen, whose duty in office qualified them for better intelligence, took up the measure, and digested it into perfection. He, therefore, on presenting his collection of extracts, moved, That the proper officer do lay before the House an account of the quantities of teas, muslins, china, calicoes, and wrought silk imported from England, being the produce of India, into this kingdom, to March, 1783, for twenty years backward, together with the duties imposed on such goods, and the regulations under which such duties were collected.—He did not press to have this matter immediately brought forward, but was rather inclined to allow such gentlemen time either this or at a future session, to direct a measure of such importance.—Ordered accordingly.

Mr. Flood presented to the House, according to order, a bill to rectify certain defects in the representation of the people in parliament; which was received and read a first time, and ordered to be read a second time to-morrow morning.

He asked gentlemen who meant to oppose this bill, in what stage they proposed doing it; whether on the report of the committee or before?

Sir Hercules Langrishe said it would not be suffered to enter into the committee.

Mr. John Toler said, the hard labour law was found ineffectual to answer its purpose; for which reason he had written to England for a transcript of the bill that existed there, and as soon as it arrived he would bring in a bill for the purpose, grounded thereon,

The House then pursuant to order, resolved into a committee on Sir Henry Hartstonge's bill, for promoting the inland fisheries of Ireland.

Mr. *Smith* (of Limerick) opposed the principal clause of the bill, which directs that in each weirs of the river Shannon, shall be fixed a sluice or floodgate of six feet in width, which sluice or floodgate shall be opened every Saturday evening, and suffered to remain open until Monday morning, in order to permit the fish going up the river to spawn—He said that the corporation of the city of Limerick had for many ages enjoyed under a charter, the right of having weirs on the river Shannon, which weirs they farmed to persons who carried on a very considerable traffic in exporting salmon, and annually brought large sums of money into the kingdom, but if the clause proposed was once to pass into a law, their trade would be at an end, and the profits lost to this kingdom.

The *Attorney General* very much doubted the legality of the charter encroaching on private property.—The charter mentioned by the honourable gentleman was undeniably of that description; for by the weirs erected under its authority, all the upper part of the Shannon was rendered destitute of fish; and the proprietors of land abutting upon the river were deprived of the benefit of a fishery, to which they must have had an original right.—The bill now before the committee was intended to restore, in some degree, the benefit of the fishery to the interior country, without injuring the city of Limerick; for though at their weirs there were often caught from 600 to 1000 fish per day, for the whole upper part of the river, it was only desired that a small passage should be opened for a few hours once a week, that the mother fish might go up to spawn.

After a conversation, in which several objections were stated against the bill,

Sir *Henry Cavendish* moved, "That the chairman should quit the chair, which was carried in the affirmative.

Ayes,	—	—	—	—	71
Noes,	—	—	—	—	26

Majority,	—	—	—	—	45
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And the bill fell to the ground.

Mr. *Hayes* then moved for leave to bring in a bill to protect and promote the inland fisheries of Ireland.—Leave granted.

Sir *Edward Newenham* observed, that the order of the day was for going into the bill for the qualification of county magistrates, and that as so many and important new laws had been lately passed, it was necessary to have proper and respectable magistrates to give such laws their due effect. That the noble lord at the

head of the law, where justice and equity marked his decisions, was a friend by principle, to the bill; for that it was his ardent wish to have a fixed line to go by, whereby he might not grant an improper commission; that the noble lord despised the idea of his being an enemy to the bill, because it might reduce the fees of office; his maxim was, the actual service of the public; for pecuniary objects were beneath his notice, when the general benefits of society were concerned.

Mr. *Chatterton* in the chair, went through the whole of the bill, except the last clause, and reported progress; desired leave to sit again on Monday.

Mr. *Montgomery* (of Cavan) and Mr. *Montgomery* (of Donegal) wished to have particular places excepted, as they said, in some parts of the country where they reside, that for twenty miles there could not be found a gentleman of the property, and of the description the bill required to qualify him for a magistrate.—The House refused.

Mr. *Chatterton* reported that the committee had made some progress, and are to take the same into consideration on Wednesday next.

FRIDAY, MARCH 19, 1784.

A message from his Grace the Lord Lieutenant, by George Bernard, Esq; gentleman usher of the black rod:

“ Mr. Speaker,

“ It is his Grace the Lord Lieutenant’s pleasure, that this House do attend him immediately in the House of Peers.”

Accordingly Mr. Speaker, with the House, went up to the House of Peers; and being returned,

Mr. *Speaker* reported that the House had attended his Grace the Lord Lieutenant in the House of Peers, when his Grace was pleased to give the royal assent to the bills following:

1. An act for the issuing treasury bills to the amount therein mentioned, for the purpose of promoting manufactures, by providing for the settlement of a number of industrious manufacturers at Prosperous, in the county of Kildare.
2. An act for regulating the high court of admiralty in this kingdom.
3. An act for relief of persons who have omitted to qualify themselves according to law.
4. An act to enable the commissioners of his Majesty’s revenue of excise, to empower the brewers of small beer, at certain times, and under certain circumstances, to charge an higher price for

small beer, than by law they are enabled to charge for the same.

5. An act to amend an act, intituled an act for preventing bribery and corruption in elections for members to serve in parliament.

6. An act for the relief of the several persons interested in the ship *Vriendschap* and her cargo, which were captured by two British privateers, and brought as a prize into the port of Cork in the year 1779.

The *Speaker* informed the House that he had received a letter from Mr. Flood, in which he mentioned that "being much indisposed, he was unable to attend his duty in parliament, and threw himself upon the candour of the House for the indulgence of having the reform bill deferred until he should be able to attend."—Whereupon the order of the day for going into that bill was adjourned.

Mr. *Molyneux* said, that as that order was adjourned, he hoped the House would agree to go into the question concerning the Chancellor of the Exchequer, which had been appointed for Saturday.

General *Luttrell* said, that as the House deferred one question, because a great man had got a great cold, he trusted that they would not precipitate another; as himself, who indeed was not so great a man, had got a much greater cold than the great man in question; and as, though he was attending his duty in the House, he was not in a state to give Mr. *Molyneux's* question the opposition it deserved.

A petition of the freemen, and freeholders of the city of Kilkenny, praying a reform in the present state of the representation of the people in the parliament of this kingdom, was presented to the House and read.

Ordered, That the said petition do lie on the table for the perusal of the members.

The House, according to order, resolved itself into a committee of the whole House, to take into consideration a bill for the amendment of the law in relation to the salvage of ships and goods stranded, or in danger of perishing at sea; and after some time spent therein, Mr. *Speaker* resumed the chair, and Mr. *Louthen* reported from the committee, that they had made some progress in the matter to them referred, and that he was directed by the committee to desire leave to sit again,

The House resolved itself into a committee on the Secretary of State's bill, for exempting from fees persons acquitted of crimes by verdict, or discharged by proclamation.

Mr. *Chatterton* moved to insert a proviso to the following purport:—Provided always that no person shall be exempted from the

payment of fees, though acquitted by verdict, or discharged by proclamation, unless the judge or justice before whom he is tried shall sign a certificate, that he is a proper object for such exemption, which certificate such judge or justice is hereby empowered to grant.

The *Secretary of State* said, that such a clause would render the bill totally useless. That when a bill had formerly been introduced for the same purpose, the prejudices that then subsisted prevented its being made fully effectual, by introducing clauses similar to that now offered. But a gentleman whose name, so far as humanity and benevolence could go, was sufficient to sanctify any thing, (the great Mr. Howard) had introduced a bill in the neighbouring kingdom, which after ten years operation, had demonstrated that those prejudices were ill founded.

That bill, continued he, from which the present has been modelled, leaves no power in judges, in justices, or in juries, to order any man declared innocent by his country, or any man against whom a prosecution cannot be found, to be dragged back to prison like the worst malefactor, and detained till he shall have paid fees, till he shall, perhaps, have advanced the uttermost farthing for having been already most cruelly injured. Where is the principle of law, where is the principle of constitution, that can justify such rank oppression? But the proviso is intended to give to judges a power to soften down the rigour of this practice; it proposes to transfer to judges the power which grand juries have long enjoyed, and from which I do not perceive that the wretched, though innocent, prisoner has reaped any very great advantage. What! will you give to judges the unconstitutional power of sending to prison men proved to be innocent, of whose character, perhaps, the judges being strangers in his county, cannot inform themselves? Will you leave the liberty of your fellow subjects in the hands of judges or justices? No; when any man is fairly acquitted, by the verdict of twelve honest men upon their oath, or when no person in his county appears to prove any crime against him, let him be instantly set at large in the open court.—God knows he has suffered enough already, in being brought before his country! To the innocent man restitution should rather be made for such an injury, than violence offered to wrest his property away, under the specious title of fees.

There is at present a law in force, which permits the judges to discharge persons that have lain in prison for fees beyond one assizes; but if a man has not violated any law, why should he be deprived of his liberty at all? Why should he be sent to groan in anguish in a dreary prison, shut up from every means of honest industry, deprived even of bread and water? for from those who are acquitted even that scanty portion is withheld which is dealt out to other prisoners. Why should an innocent man be confined

to the company of the vilest criminals, until too late the humanity of the law interferes, and when he is no longer fit for society, restores him to that liberty of which at first he should not have been deprived?

I rely upon it, Sir, that no clerk of the crown has any right to confine a man for fees; whether a jailor has or not may admit a doubt. But this law makes liberal compensation to them, and if it cannot be opposed on any principle of humanity, justice, or the constitution, it ought not on behalf of any jailor or clerk of the crown.

Mr. *Toler* said, he should be sorry to see the noble and humane intentions of his Right Honourable Friend, the author of the bill, frustrated by any little arts of interested men; he himself, from his situation, as president of the bench of justices at Kilmainham, had but too many opportunities of seeing the miseries imposed upon wretched persons, by the power of imprisoning for fees; after every session he was daily beset with poor disconsolate women, dragging their miserable infants around him, while they implored his interference for an husband, a brother, or a father acquitted by their country, but imprisoned for a fee, which they were unable to pay; often indeed had he interfered with the clerk of the crown of the county of Dublin, who being a person of humanity seldom refused his request, but he knew it was not so in many other places; he applauded the Right Honourable Gentleman's humanity, and declared if he had entertained any doubt, his powerful arguments would have convinced him; but he had not, for the moment the idea of putting men's liberties in the power of county justices was brought forward, he conceived an inward horror at the thought; he knew them well, and a great majority of them formed such a crew as ought not to be entrusted with any thing—a clerk of the crown was a prince to them.

The *Attorney General* said, that by the great charter, no man could be imprisoned or fined, or disseized of his freehold, but by the judgment of his peers, or by the law of the land; now it was plain, there was no law to confine a man for fees, and if a jailor or clerk of the crown would be justified in so doing, he must first bring his action and afterwards obtain a verdict, and judgment thereupon. He complained of the enormities practised by the clerks of the crown, and all that tribe of harpies that fatten upon justice; he had known in several cases, indictments multiplied in such a manner, that persons perfectly innocent, had from 50*l.* to 70*l.* fees charged to them, and he thought there was not a more crying evil in society, than that which the bill was intended to remedy; and gave it his most hearty assent.

Mr. *Chatterton* withdrew his proviso, and the committee adjourned.

SATURDAY, MARCH 20, 1784.

Mr. *Hayes* presented to the House, according to order, a bill for the protection and improvement of the inland fisheries of this kingdom; which was received and read a first time, and ordered to be read a second time on Monday morning next.

Mr. *Flood* moved, that all petitions in favour of, and the two against a parliamentary reform, be laid on the table.

Mr. *Annesley* desired the memorial from the county of Down, against it, might also be laid on the table.

Mr. *Flood* objected to any attention being paid to memorials, which was not the form of addressing the House; and contrary to its known order which was alone to receive petitions.

Mr. *Annesley* said, that the different counter-petitions on the table ought properly to be called memorials, as they prayed nothing, but expressed the satisfaction of the people at their present situation.

The *Speaker* determined the point of order in favour of Mr. *Flood*.

Mr. *Flood* then moved, that the bill for a parliamentary reform be read a second time; and it being read accordingly, he then moved, that the bill be committed.

Mr. *John Monck Mason* began the debate, by apologizing to the House for speaking at a time when he was so oppressed with a violent cold, that without their utmost indulgence he could not be heard at all. He said, I shall leave it to other gentlemen to point out to the House the absurdities of the plan that is now before you, and shall confine myself merely to the principle of the bill, and the reasons stated in support of it by the Hon. Gentleman by whom it was introduced, and the several petitions that lie on your table.

The Hon. Gentleman has said, that our present mode of representation is a novelty, and that what he contends for is not an innovation, but merely a restoration of the antient constitution; and in the several petitions, it seems to be laid down as an uncontrovertible maxim, that equality of representation is a fundamental principle of the English constitution; an assertion which, I acknowledge, these people may support by the authority of several modern publications, the productions of ingenious and speculative men, who in their vacant moments, when they have nothing else to do, amuse themselves with delineating a fantastical form of government, which they are pleased to entitle the constitution of England; and in deducing a series of political aphorisms, which they tell us are the principles of that constitution; but I am confident they cannot support this assertion by any facts recorded in the general or parliamentary history of that country.

If the constitution requires an equal representation of the people, the gentlemen will tell us in what year of what reign that parliament assembled, in which the people were equally represented:—If equality of representation be a principle of the constitution, they will point to us the period at which this principle had effectual operation;—if they cannot do that, they will never persuade any man of common sense, that that is the English constitution which never was known to exist; or that that is a principle of the constitution which never has operated for a single moment of time, from the beginning of the world to the present hour.

It was not till the 34th of Henry VIII. that the county and city of Chester were impowered to send members to serve in parliament; it was not till 130 years after, in the 25th of Charles II. that this power was extended to the county and city of Durham. Could this possibly have happened, if equality of representation were a principle of the English constitution? In both these cases, specific acts of parliament were considered as requisite to invest them with this right. Could that have been thought necessary, if equality of representation were a principle of the constitution?

But to put this matter in a stronger light, it has ever been the undoubted prerogative of the crown, to impose the burden or extend the privilege of returning members to serve in parliament, to any communities or bodies of men that the king thought proper. This part of the prerogative has been constantly exercised without dispute or controul from the first institution of parliament to the time of the revolution: Is it possible that this power should even have existed for a single moment, if equality of representation were a principle of the constitution?

The reformers themselves do not controvert either this power of the crown, or the validity of the charters that have been formerly granted in consequence of that power; but they alledge that many of the boroughs which were, at the time the charters were granted, in a flourishing condition, are now depopulated and gone to decay. With respect to those boroughs where the right of suffrage is vested in the inhabitants at large, I do not believe that the assertion is true; I believe that in the greater part of those towns there are as many Protestant inhabitants now as there were in the reign of James I. and with respect to those which these people call the rotten boroughs, where the right of suffrage is vested in a few persons only, the depopulation of the places can have no effect upon the representatives. Belfast is as much a rotten borough as Harristown; the number of inhabitants is nothing to the purpose, for those inhabitants could have no right to poll, and the members for such boroughs are returned at this day by the self-same numbers of voters that they were at the time that the charters were granted. I will therefore assert that this

pretended reform is not a renovation of the ancient constitution, but an idle and dangerous innovation.

A scheme for reforming the representation of the people was proposed in the British parliament in the course of the last session, and was introduced by a gentleman, who, at an early period of life is already so distinguished for his virtue and abilities, that he bids fair to be one of the most illustrious characters that country has ever produced, his father not excepted. * But notwithstanding the powerful support it derived from such respectable authority, the measure was rejected by that wise and prudent nation, even in the paroxysm of political reformation: They could not be insensible of the defects of their constitution, but they were sensible of the danger of tampering with it, and chose rather to suffer those defects to continue, than to hazard the consequence of breaking in upon a system sanctified by the wisdom of ages, and under which they had flourished for such a length of time.

Yet if the people of Great Britain, in the present deplorable situation of that country, fallen from the highest pinnacle of glory to a state of humiliating distress, deprived of half her empire, weighed down with a debt of 240 millions, and harrassed with taxes so various and complicated, that they seem to have exhausted the invention of her ministers: If the people, I say, in this situation should begin to suspect that the numberless calamities they have lately suffered were owing to some inherent defect in their original constitution, and wish to amend it, it would not be surprising; but that the people of Ireland should quarrel with a constitution which has raised them to the utmost summit of their wishes, is the highest degree of folly and ingratitude; a constitution under which they have so lately obtained a full restitution of their natural rights, an unlimited freedom of commerce extended to every part of the globe, and the most perfect degree of judicial and legislative independence—that any nation upon earth has ever yet enjoyed; a constitution, in short, which has put them in possession of every blessing that can render a people flourishing and happy, except those which no constitution can bestow, and which are only to be acquired by industry, sobriety, and obedience to the laws; these are the only blessings we want to make us the happiest nation upon earth; these are the virtues which every honest man, every true patriot, every man who has the real welfare of his country at heart, should endeavour to inculcate on the minds of the people, instead of turning their brains with a political jargon which they do not understand, and visionary systems of government.—These are the virtues that will render us in a short time a nation of husbandmen and manufacturers, artificers and merchants; but at the rate we now go on we bid fair to be a nation of politicians only, and shall appear as ridiculous to all the rational part of mankind as the inhabitants of Swift's imaginary

island, who wasted the whole of their time in watching, with the utmost anxiety and solicitude, every change and motion of the heavenly bodies, whilst their wives and children were starving at home. The complaints of the people of Great Britain are extorted from them by the pressure of calamity ; but, thank Heaven ! the complaints of the people of Ireland are excited merely by the wantonness of prosperity.

The wanton and innovating spirit of the times has given rise to another new doctrine in this country, which was diligently propagated at the last general election, and seems to have been intended to pave the way for this pretended reformation.—The doctrine I mean is this, that the representatives are bound to pay implicit obedience to the commands of their constituents. A doctrine repugnant to the first principle of the constitution, which is, that a member, when elected, becomes the representative of the nation at large, not merely of that particular place that returned him to parliament ; a doctrine which tends to destroy the unity of the state, and to degrade the dignity of this House ; for if this doctrine be established, you are no longer the free independent representatives of a great and powerful kingdom, but the fettered deputies of a parcel of petty communities ; united indeed under one common sovereign, but as distinct from each other as the cantons of Switzerland, or the provinces of America. If this doctrine is to prevail, if we are to be divided into these petty communities, it is just that each district should have its particular representatives ; but if we adhere to the liberal and truly constitutional principle, that each member is the representative of the nation at large, every part of the kingdom is equally represented ; and every county of the kingdom has not two only but three hundred representatives.

As an instance of the happy effects that would attend this new doctrine, let me recall the recollection of the House to the ridiculous scene that was exhibited on the floor in the beginning of the last session ; when an honourable member, by order of his constituents, moved, that the bill of supply should be granted for six months only. On the division he went into the lobby, and was followed by every county member in the House, a few only excepted, who walked across the floor, many of whom apologizing with their looks and gestures, for the absurd part they were acting, and deploring at once their own servile subjection, and the folly of their constituents.

Yet these, we are told, are the only independent members of the House ;—independent indeed they are ; independent of reason—independent of judgment—independent of choice—independent of every kind of public virtue ; which can have no existence without free agency.

This place of reformation originated with the congress of Dungannon, who, after they had resolved to adopt it, directed their secretary to write circular letters to every meddling priest, every political mountebank, whose names they had read of in the English newspaper, whom they rendered the arbiters of the Irish constitution. These letters have since been published, by authority; but why do we not find amongst them any letter to Mr. Pitt, the advocate for reform in the British parliament? Because they well know that the sentiments of Mr. Pitt were not congenial to their own; that he did not desire to go the lengths to which they were determined to proceed; his scheme of reform was confined to an addition of a certain number to the members for counties, and great communities; that the representatives of the people should presume to disfranchise their own constituents. That they should attempt to deprive, of their chartered rights, and most invaluable privileges, the persons to whose bounty they were indebted for their seats, and whose confidence had enabled them to strike that mortal blow, was a monstrous idea that never entered into the mind of that virtuous man, and was only reserved for that self-created monster, the congress of Dungannon.

I shall now beg leave to make a few observations on the motives and consequences of this pretended reform. The avowed motive is a desire to diminish the aristocratic power in this kingdom; but I am thoroughly convinced, that this plan would counteract their own intentions, and increase the very interest they wish to destroy. The natural consequence of this reform will be to throw the whole weight of power and influence in this country into the scale of property, and to bar for ever the doors of this House against rising genius and expiring virtue.

I shall not hesitate to assert, that Great Britain owes the glory from which she has lately fallen; and Ireland the glory to which she has arisen, and which I hope she will ever maintain, to these very rotten boroughs that are now so reprobated.

You cannot but remember the wretched situation of Great Britain, in 1757, when she had France alone to contend with; so sunk were the power, the resources, and even the spirit of the nation, that instead of making any vigorous effort against this single enemy, she thought it necessary to bring over twelve thousand German troops to save her from invasion. Such was the situation of Great Britain when Lord Chatham took the helm; and such was the effect of the abilities and spirit of this one man, that in three years time the French were driven from the continent of America, and deprived of the finest of their West Indian islands: Yet who was Mr. Pitt? a younger brother with 200*l.* a year and a cornetcy of horse, who had no more chance of representing any great community in England than I have at this instant. Had he not been returned for a rotten borough he might have lived in ob-

scurity, and his virtues had been lost to himself and to his country. What chance had Mr. Burke, who is an honour to this country; what chance had Mr. Fox, whose abilities are the objects of general admiration, of representing the cities of Bristol and Westminster, if they had not first displayed their abilities, by being returned for private boroughs?

But to come nearer home, I will venture to assert, that you owe the emancipation of Ireland to those boroughs. I will venture to assert, that you are principally indebted for the restitution of your rights to the spirit, the abilities, the perseverance and real integrity of the Hon. Gentleman near me; and I am supported, in this assertion, by the unanimous vote of this House, and the universal voice of the people at that time, though now I find he has lost some part of his popularity by the most virtuous action of his life; the preferring the real substantial interests of his country to an idle punctilio.—What chance had this gentleman, with all his abilities, of representing any but a private borough? Who were his principal assailants in this great revolution? Members for rotten boroughs.—I know but of one country member who took a distinguished part on that occasion; I mean the Right Hon. Gentleman who represents the county of Wexford, and who is justly entitled to the second place in the gratitude of the public. Had this measure taken place but three years ago, which these people contend for as necessary to their freedom, it is probable that Ireland would not now be free; and that instead of wasting your time in this idle speculation, you would now be deploring the shackles imposed upon your trade, or the power assumed by the British parliament to make laws to bind this country.

I shall conclude; with conjuring the gentlemen who hear me, that they will not be such dupes as to believe, that by passing this bill they will satisfy the people. He must be a young politician indeed, and but little acquainted with the history of mankind, or the human heart, who thinks that a people can be satisfied with concessions. If it was possible that concessions could satisfy a people, would there, at this day, be a murmur in Ireland? Besides, people have acted fairly on this occasion, they have told you that the passing of this bill will not satisfy them. This pretended reform is only the first of an alphabet of innovations, which the congress of Dungannon have voted, as necessary for the freedom of the people, and have determined to pursue; that they have been advised in the first instance to lay their shoulders to this particular object. If you yield to them in this point, they will attack you on some other, and so proceed from innovation to innovation, till they have subverted your constitution both in church and state; this is therefore the time to resist their incroachments.

Sir Hercules Langrishe.—I am glad this great question which has so much engaged the public mind, and been agitated with so much industry from one extremity of the kingdom to the other, has at length been brought before parliament; and it is now our duty to give it a full, a free, and a patient discussion. If the evil that it supposes has existence, and the remedy it offers be adequate and safe, it will have many powerful advocates here. On the other hand, if it states defects that do not exist, and offers remedies that are neither safe nor applicable, it is better the House of Commons should decide against it at once, that the people may no longer be disturbed or deceived by it. And now let me say, if I wanted any new proof of the superior excellence of our happy constitution, that alteration was unnecessary and amendment impracticable, the plan of reform now read at your table would furnish ample testimony: For when two gentlemen of such distinguished abilities, assisted by deliberative assemblies in their own country, and enlightened by the oracles that have been consulted in another country—when gentlemen of such talents, so assisted, have at length produced such a plan of reform, I am justified in thinking that the task is beyond the strength of man. And convinced as I am, that our present constitution, in its present condition, is competent to every degree of civil liberty, I must also be convinced that amendment is a dream, and alteration would not be wisdom.

Consider now, Sir, the plan before you, consider it impartially, and tell me, is it founded in any one principle which it professes? Does it tend to remove any one evil that it imagines? Does it meet any one of the ideas that have amused the people? No, not one! Is it a plan for an equal representation of the people? No; it leaves above three-fourths of the people as it found them, unrepresented. Is it a plan for a more equal representation of the people in parliament? No, it renders the representation much more unequal than it found it: for instance, a freeholder in one barony, by this bill, may vote for four, or six, or eight members of parliament; a freeholder in the next barony shall vote only for two members. Is this to render the representation of the people more equal? Good God! how the people are deceived! how they are abused!

Is it a plan for the more equal representation of property, the antient and original title to representation? No, Sir, the reverse! If this bill as you see it were a law, a worthy and respectable gentleman in the county to which I belong, who has 4000*l.* per annum, landed estate in one barony, would thereby be entitled to vote for two members, and the servant who stands behind my chair, who is possessed of a 40*s.* freehold in a neighbouring barony, shall vote for eight members of parliament. Is it a plan to enlarge the basis of legislation, by encreasing the number of the

constituent body? No, Sir! it diminishes, it contracts; it strikes off thousands and tens of thousands of your electors; it disfranchises every freeman in the nation who does not hold by birth, servitude, marriage, or trade. It disfranchises every freeholder under 20*l.* per annum, who does not reside. It demolishes the whole tribe of p t-wallopers; men intitled to vote in right of residence (the freest title the constitution knows) are to be extinct, unless they can call in to their aid a multitude of freeholders in general too great to be found. For instance, if a borough were to consist of 5000 protestant inhabitants, intitled and accustomed to vote, no matter, they shall be extinguished unless they likewise have within their precincts 70 or 100 resident voters, qualified according to this act, which no borough in Ireland has, and which few ever would have. But it effects a new creation to supply this general massacre; it confers a right to vote for those boroughs to others. To whom? To freeholders; persons who were intitled to vote for other members before. It is true, amongst those a class of freeholders is incorporated, (new indeed to the constitution) freeholders on terms for years; but the freehold required is of so large amount, that their numbers will be small. Now let me ask, is it a plan to increase the number of your representatives? No, Sir, to diminish it! In the first instance, it decays and depopulates every borough, and almost every city in the kingdom. For I do believe not one of them contains within its precincts 100 voters qualified and registered according to this bill. I have heard of a clause of redemption for them. I only know what I see, and I see no such thing in this bill; and if such clause or schedule were inserted, it would, on the principles of the bill, impose conditions that must for ever exclude several of them from restoration.

And here I lament the destiny, though I admire the virtue of the town of Newry, who petitioned for this reform. With their 12,000 inhabitants, all intitled, if they were protestants, to vote for members, yet they are all disfranchised unless they also contain within their precincts, 100 of another sort of voters, qualified according to this bill. (He applied the principle and effects to Drogheda, Waterford, Kilkenny, Limerick, Cork, &c. and concluded with the borough of Dungannon.) And here let me lament the fate of poor Dungannon, at once the pride and the reproach of her sons—Dungannon so late the centre of government, the head of legislation, the seat of empire! unless you have within your precincts (which I am sure you have not) 100 voters qualified according to this bill, you are decayed, depopulated, and extinct. Will you not spare this town on account of the righteous people that were found therein! I know not whether you have a redemption in store, but I know your redemption is not to be found in the bill on your table. What then can the friends of

this bill, (if any such there be) what can they say of it? They cannot say it is a bill for an equal representation of the people.—A bill for a more equal representation of the people, a bill for the more equal representation of property, a bill to widen the basis of legislation, to encrease the number of electors, to encrease the number of representatives: No such thing! quite the reverse! In the name of heaven what is its tendency? Is it a reform on any one settled principle? Does it, or would it correct any one abuse? No, Sir! It is nothing but alteration; a transfer of election-influence from one set of men to another, which would produce two or three years contest and confusion, and then, by corruption or compromise, the dominion would settle with the most powerful of the neighbourhood. The power would change hands, but the exercise of it would be the same.—And is it for this mighty benefit that the antient habits of the constitution are to be changed? For this your country is to be visited by a jubilee of licentiousness, a saturnalia of anarchy for a few years before it reposes again in the abuses you now complain of. Yet this is the great arcanum, the sacred mystery sent abroad, like the miracles of Mahomet assisted by the sword, from the north to the south, from the east to the west, to subdue the obdurate, and multiply subscribers to the true faith. I do not mean the least disrespect to any man in what I say of this plan of reform.—I speak of it as I think of it. I think it all confusion and danger, and nothing else.—And it shews me into what inconsistencies even wise men will fall when they attempt a reform, where reformation is unnecessary. What insupportable difficulties they encounter in an attempt to new model a constitution which has stood for centuries the admiration and envy of the world, and distinguished from all others by having preserved civil liberty on the earth at this day. Under those opinions, and with this veneration for the constitution, I will not so far admit its defects as to go into a committee to amend it. I will not carry into a committee this chaos of rude materials, out of which to create a new constitution, when I have one already formed so competent to human happiness. I will not go paragraph by paragraph through a plan of alteration, where alteration is not necessary. I will not keep the public mind longer in a state of suspense between free government and fruitless speculation, but endeavour to rescue public tranquility from the designs or delusions of the visionary, the rash, and the restless.

Much has been said, and much has been inferred concerning the petitions which are displayed on your table; but when gentlemen talk of those petitions, they forget that there are between two and three millions of inhabitants in this country.—There are several petitions on your table for a reform, some against it. I have no doubt, but the majority of your petitions is in favour of reform, because innovation is ever the most active. But it mat-

ters not on which side the majority lies; take them all together, they are but as a drop of water to the ocean of your population; they are as a unit in comparison to the numbers of your people.—And if those persons, however respectable, petition for any great innovation, you have no right to conclude the multitude on the suggestion of the few; and even if it were possible to suppose (which it is not) that a majority of the people petitioned for an alteration of the constitution intrusted to you, you have not a right to comply; you have not, in that case, a right to indulge their desires, or insist on them the accomplishment of their wishes. If you comply in what you think a public injury, you are an accomplice in the injury, and betray the interests of the people on the bribe of their own favours.

It is to be lamented by every man who feels for the honour and the happiness of this country, that after the reputation we have acquired and the benefits we have obtained—acquisitions, limited only by the bounds of our own demands, and adequate to every degree of human happiness; we should afford our enemies a pretext for charging us with a light, an inconstant, and restless character; as if the accomplishment of our wishes was but the beginning of our discontents, and unlimited demand the offspring of unlimited concession; that we were falling under the description Montesquieu gives of a people unworthy of liberty; “A people grown impatient of the power they have delegated, desirous to do every thing themselves, debate for the senate, execute for the magistrate, and decide for the judges.”—That having obtained the best constitution in the world, we had not the patience to try it for one session of parliament; but in contempt of the high legislative assemblies, resolved ourselves into five hundred little parliaments in every corner of the kingdom, where we voted that constitution, an intolerable grievance, and called aloud for a new one.

Were I at liberty to remonstrate with my countrymen, whom I love, I would ask them—Do you enjoy freedom? They must answer in the affirmative—Have you commerce? Unbounded as the ocean that surrounds you—Are you in possession of all the blessings that can flow from the best and freest government? You are.—Is it then wisdom, is it common sense, when you are sure of those, to throw them back into the ocean of uncertainty, to commit them to the wilderness of speculation, or hazard of experiment? Is it wisdom to interrupt your enjoyment of every thing that is valuable, by dreams of something more free than freedom, more desirable than happiness? The lowest man in the community has wisdom enough to feel the force of this maxim: “When you are well keep yourself so.”—But there is not a philosopher in the nation wise to say, what would be the consequence of a change: Neither Solon, nor Lycurgus, nor Plato, nor Locke,

nor Sydney, if they were alive, would hazard a conjecture as to the effects on the constitution, if you were to adopt any one of those plans which have been offered to you, they might make a democracy, they might make an aristocracy, they might encrease the power of the crown, they might make any thing but the constitution of England; yet, every man in the community, the gentleman and the artificer; the learned and the unlearned; the man that can read, and the man who cannot, are all alike ready to undertake the task of constitution-making; or, if any of them should happen not to have leisure from the shuttle or the plow, they have only to say, "We entirely agree in the plan of reform digested and agreed on by the grand national convention." And there is a constitution ready made to their hands.—I do not say our constitution, the work only of human wisdom, is without defect; but there is an inherent strength in it, that has in all convulsions produced remedies for its evils and controuls for its excesses; and through many revolutions has maintained liberty to this day. Now you have got it do not throw it away; condescend to enjoy it and be happy; your country wants improvement; your constitution does not; cultivate the one, and you will be sure to enjoy the other. But if you grow discontented with your form of government, and are distracted about new schemes and new systems, you will be dupes of designing men in your own country, and strangers will not come near you.—Amidst your controversies and your arms, the stranger would not know where to find the laws that are to be his protection; and you may find, perhaps too late, that you have been cheated of your happiness; you will be thought an unreasonable, and you will feel yourselves an unfortunate people; a people whom commerce could not enrich, and whom freedom could not satisfy.

Sir Boyle Roche.—I beg the patience of the House for a few minutes, while I deliver my sentiments on the question, which coming through the medium of such a respectable part of the House, brought in as it is by a Right Hon. Member, and supported by an Hon. Member whose eloquence and private virtues endear him to every man.

If I understand this bill, the design of it is to transfer the franchise of election from the few to the many, or in other words, to deprive the present possessors of the patronage of boroughs, and to give it to another set of men. Now, for argument sake, let us suppose the prayer of this petition accomplished, is it a fair question to ask, will the end be accomplished likewise? With humble respect I think it will not, for if the boroughs be taken from the hands of the present possessors, into whose hands will they next fall? Probably into the hands of John Binns, or fellows of that description; and is the constitution of this country safer in such hands, than in those of the first class of men amongst us?

The laws indeed have set no bounds to the power of parliaments, yet prudence, Sir, ought to make us set up a land mark to ourselves, and I hope we shall not get into the deep ground of disturbing private property; lest while we are endeavouring to gratify one set of men, we should act as tyrants unto another.

Sir, when the great Lord Chatham, who raised the empire of Britain to glory, was in the meridian of his power, his design to improve the constitution went no farther than to add a few representatives to the counties, and that inimitable anonymous author, Junius, speaking on this subject, has publicly declared, that parliament has not authority to disfranchise a single borough, at least that it would be a dangerous experiment to try; for these reasons, and because I think this bill would be a proscriptive act against the Roman Catholics, who would be all turned out of their farms, to make room for forty shilling freeholders, I oppose it.—The Roman Catholics, Sir, are a brave and loyal people; their loyalty has been proved in the fire of adversity, and I have the honour to declare again and again, that they require only that portion of liberty, which the legislature shall deem consistent with the happiness of their fellow-subjects. But if the constitution is to be broke up, and a new one to be formed, they have as much right to an equality of representation as any other set of men. I will therefore make an amendment, “That protestants be expunged from this bill, and the words, persons of any religious denomination inserted in their stead.”

The *Speaker* informed Sir Boyle, that he could not make his amendment till the question before the House, “whether the bill should be committed,” was decided; but if the bill was sent to a committee, he might there propose his amendment.

Sir *Boyle Roche*.—I hope then I shall never have that desired opportunity, for, with humble deference, I conceive that the bill is defective in every part, and might I with safety say it, I think the Right Honourable and Honourable Gentlemen that bring it in, never intend that it should be adopted; and that I shall not have a chance of making my amendment. But, Sir, if boroughs had been abolished, we never should have heard of the great Lord Chatham. We are indebted to a borough even for the Hon. Gentleman who supports it, and what is of more consequence, we are indebted to a borough for that great man (pointing to Mr. Grattan) who is the deliverer and emancipator of this country. For all these reasons, I think the present bill ought to perish here, and go no further.

Mr. *Hewitt* said he would make no apology to the House for delivering his sentiments; he should endeavour to be as concise as possible. This bill, he thought, a most dangerous innovation. He was sure no man who heard him but had the inte-

rest and welfare of this-country at heart, and yet he would venture to assert, no man heard him that held the right of the people more sacred than himself. His view was, to promote the interest of the people, and this consideration was decisive with him, to give his opinion against the bill before them, which was not confined in its effects to the present generation, but would extend to posterity; we ourselves are not the only persons interested, but after ages are also concerned. He would oppose the bill upon its general principle, for it was one of the greatest enemies to the constitution that could be devised. He would therefore resist every part of it. He asked if a triennial parliament would be a benefit or not? It would not. The first year would be spent in litigation on elections; the second year in business; and the third year, before they would have time to discharge their duty to the public, they would be dissolved. The measure had been opposed in England, and would here be attended with much inconvenience. As to a more equal representation of the people in parliament, it was certain, he admitted, that every man ought to be represented; did it thence follow, that every member was not a representative for every part of the kingdom, as well as for the particular place that returned him? They were, he said, though elected by this or that body, representatives of the whole kingdom. The great influence of boroughs had been complained of, and that the interest of the people was at stake. The names of some very respectable persons were made use of, in order to give the bill some credit; but was it not extraordinary those names should be introduced, in order to give a sanction to this measure, when it was very well known it was rejected in England? He called on gentlemen to examine the bill, on the principle of the influence in boroughs; where the influence of the crown and the influence of property were joined, there would be danger to the constitution, but was any to be apprehended from an interest in boroughs, the members for which, in former times, voted against the crown for the revolution, and in the present, opposed Poyning's law, when the same influence was supposed to be in its favour? This bill had been attempted in different modes, he therefore wished to know to which of these state physicians it would be proper to apply. One said, he himself was the only true physician, and alone had the secret of curing this disorder—another desired them to come to him, as having the panacea for all distempers. All these learned doctors differed, and he differed from the whole, as he thought this bill would injure the constitution.

Mr. Kearney said, that he entertained as great a respect for the noble families of this country as the Hon. Baronet, (Sir Boyle Roche) but had no idea that they were to traffic with the representation of the people. He concluded with hoping, that the son

of the Earl of Chatham would be a restorer of the constitution in both countries, and that it should never be said by posterity, that a just representation of the people was opposed by the son of the Marquis of Granby.

Hon. *Denis Browne* said, the bill should have his support; he was instructed to vote for it by the county he had the honour to represent.

Mr. *Moore*.—I rise to give a decided opinion upon this bill, as I think every gentleman that regards the constitution ought to do. I am an enemy to it, as being an enemy to innovation, when the end proposed is doubtful. Gentlemen say this is not an innovation on the constitution; but I will call it by that name, till they can shew me a period of time at which the constitution was more perfect than it is at present. This bill is called a reform and improvement of our representation; it becomes us to enquire whether, if adopted, it would really make our constitution better; upon my honour I think it would not; and therefore I vote against it.

Mr. *Hutchinson*.—That there were defects in the representation of the people in parliament, no man, he said, would be hardy enough at that day to deny; and the House had given its unanimous assent to that obvious truth by receiving the bill. He was as little interested to perpetuate those defects, as the most clamorous within doors or without; but he was interested in preserving the principles of the constitution. He would join with the Hon. Gentleman in reforming abuses; but he would resist innovation. He said he had read the bill on the table with attention, and having weighed the Hon. Mover's system with their present situation, he had no doubt in preferring the latter. The evils which would attend the change, he had no doubt in pronouncing much an overbalance for those which it professed to cure. It was not a bill of reformation, but a bill of experiment; and as the system it proposed to introduce had his hearty disapprobation, he would not consent to its going to a committee. The acknowledged principles of our representation were property and freedom: But the principles of the bill, as to all freeholders except those of a certain amount, and to all freemen, were property and freedom, but with the condition of residence annexed. The principles of the bill were therefore in those instances against the principles of the constitution, by restraining that privilege which the law had left free. Residence, he said, was the Hon. Gentleman's panacea for all diseases; and the mighty reform proposed by his bill was a potwalloping representation. This bill did violence to the constitution in another material article—the original basis of the constitution was the representation of freeholders; from this source many important

maxims of the law were delivered. By admitting termers for years as our constituents, we subverted the corner stone of all our present establishments, and left the maxim of the law naked and without support; and then indeed the body of the law would remain; but the reason of the law, which is the soul of the law, would be extinct. It was not reasonable, he said, to expect from the Hon. Gentleman that attention to chartered rights, which he was not pleased to shew to constitutional principles. The franchises of boroughs were accordingly extended to persons and qualifications, in direct opposition to the words of charters, and the intention of their grants; and, lest the object of the bill should be mistaken, they were given to persons and descriptions in a blank schedule. So that no matter where or in whom the right was placed, provided the main end of our reformers was answered, by wresting it out of the hands of the present proprietors. The borough, he said, was supposed to be rotten, because 100 or 70 voters were not resident. The lenient remedy of the bill, without trying whether a cure might not be effected, was the amputation of the limb, or more properly the destruction of the whole body.—He called the attention of the House to that part of the bill which related to this subject. It branded with the epithets of decayed, mean and depopulated boroughs, which on a certain day did not contain a certain number of electors; and to make short work, it disfranchised them all with one stroke of the pen; and having thus deprived them at once of those rights which they had enjoyed for ages, it referred them for their new constitutions, in the words of the bill, “to the annexed schedule”—which possibly might have existence in the creative imagination of the Hon. Gentleman, but certainly had none as yet in the bill on the table. This, he said, was the remedy of the physician, who professed to cure or to kill; it was the reformation of *slaying Bently with his desperate book*.

The Hon. Gentleman had not attended to what struck him in many instances, at least, as the obvious mode of redress. In many of those places, which had fallen so much under the displeasure of our reformers, birth, marriage, servitude, or residence conferred rights, which had been shamefully violated. What was the natural remedy in such a case? Restoring those rights, and by those inducements bringing back the inhabitants or their representatives. But this bill did no such thing, it sanctified rather this violation of right and shut the gates of the town for ever against the exile trader and manufacturer; and to whom did it give the spoils of those injured men? To men of property in the neighbourhood, as far as he could conjecture from what had been said. He asked, was this the encouragement offered to trade, and was it by such provisions as that they sought to extend their

infant manufactures. To these considerations little attention indeed was paid by the bill; I see, continues he, in what a situation it places the most respectable man in a rising country, the trader, who has passed his life in promoting the industry and increasing the wealth of the place of his residence, if advancing years or declining health should force him to take refuge in his country seat, the bill deprived him of his franchise; and that the upstart leaseholder in his place, whose existence as an elector the law disclaimed, whose independence is below competency, and who is probably driven to market as part of the stock of an ambitious landlord. Residence, he affirmed, had never been required in an elector, though it had been in some instances in the elected; as a title for freeholders or freemen to vote, it was unknown to the law, it made an absolute franchise conditional, and imposed an unconstitutional restraint of freehold and freedom. And it tended, he said, to destroy the efficacy of that principle of the constitution which could never be enough inculcated, namely, that every representative, once elected, became the representative of the whole kingdom. But by this new graft of residence, this generous and enlarged idea would dwindle into unreal interests and partial considerations; the representative, generally taken from the body of these resident electors, would learn from them to confine his ideas to that small circle, by which his views were confined and his connections circumscribed. What then were the advantages offered by the bill, to induce them to yield to these encroachments? It did not abolish occasional voters; let them only register and reside, and they might freely deluge the city and county. It did not emancipate a single county, or a single city, in the kingdom, and the renovating medicine it administered to each decayed borough was only a change of hands.—*Permutant dominos, et cedant in altera jura*—But, says he, I will resist the bill, because it invades the immemorable rights of freeholders; because it restrains the undoubted privileges of freedom; because it tramples the charters of the realm under foot; because it subverts the oldest and most established principles of representation, and substitutes specious novelties in their stead. I will say to this bill, what Addison makes Cato say to the popular leader who overturned the liberties of Rome. “These are thy trophies, thy exploits, O Cæsar.” He was aware, he said, that enthusiasm ever objected infidelity to its opponents, and condemned with acrimony every man who would not implicitly adopt its creed and embrace its tenets. But gentlemen should judge with candor of those who hesitate a little when a new constitution is offered at once to their consideration; for his own part, he said, he would swear to the words of no master, though the words were drawn for him to kiss, and though the ghost of the convention was to cry out, “swear, swear.”

Before he sat down, he begged to say a word relative to a petition from the city of Cork, which had been presented to the House by a Right Hon. Member, who was at that time engaged at another place. It was a petition in favour of the measure then under consideration. The Right Hon. Member had presented it in discharge of his duty as one of the representatives of the city of Cork, and it was certainly signed by the names of several very respectable gentlemen. But the Right Hon. Gentleman thought he owed it to the House to inform them, that 1300 persons voted at the last election for that city, and that there were not 100 names to the petition. He could not therefore consider this as speaking the sentiments of the city of Cork, and he had reason to know that the opinion of many of his constituents, and those not the least respectable, was adverse to the measure. He had discharged his duty by presenting the petition, and he conceived it no less his duty not to withhold those facts from the House.

Sir *Edward Newenham* said, he would not have spoken a word in that stage of the bill (reserving himself to support the several parts of it in the committee) but as a gentleman, who had just spoken, had called upon any gentleman to rise in his place, and say, that the constitution was not now the same that it had always been, he would answer that member, and maintain, that though the form remained, the essence was destroyed; that the original constitution was totally changed. In former days, when virtue guided the actions of mankind, members were paid by their constituents a fixed allowance for their attendance on their duty in parliament; the patronage of boroughs was not vested in any single person; but how is it in these days? Members are paid the wages of corruption for selling their constituents, and boroughs are publicly bought and sold: That infamous traffic stands recorded on your journals; and that single fact is an uncontrovertible argument in favour of reform; and no man will be so hardy as to deny, that sixty other boroughs are not equally as corrupt as Enniscorthy. Can any man, then, pretend to say, that the original principles of the constitution are not altered? Our most gracious sovereign has marked our future success; he has told a faction, in another house of parliament, that he supports his present ministry, because they have the voice of the people; and we have a minister who is favourable to a reform. The voice of the nation calls aloud for a reform, and will this House refuse it? You may delay it for a time, but the wishes of the people must be acceded to; they will become too powerful for borough-mongers; and he should not be surprised, if, on refusal of the present petitions, they would no longer consider the majority of this House as their constitutional representatives: The spirit of the

nation was too high, and their feelings were too great, to submit to corrupted influence.

While a Pitt is minister, and a Manners viceroy, let us emancipate our country from domestic misrepresentation, as the late parliament did from foreign usurpation. He added, he was confident the whole kingdom would shew a proper resentment for the insult intended to be offered to them—not even to give their petitions the ceremony of a debate, was too insulting.

Mr. *Molynæux* rose to give his vote for this bill. He could not persuade gentlemen to alter their opinion. He could not expect justice would be predominant in the decision of that night, as it was by no means to be supposed gentlemen would be patriotic enough to vote against their own interests. Was it the spirit of the people, or the spirit of the House, that procured this country its freedom? It could not be supposed, he said, that many would sacrifice their personal property; and this was the principal cause of objection to reform.

Mr. *Montgomery* (of Cavan) declared himself in favour of the bill.

Sir *Henry Hartstonge* said, he should vote for the bill, as he approved of the principles of it.

Mr. *Wolfe*.—We are by some gentlemen threatened with the resentment of the people, who, they say, will be driven to despair if we reject this bill. Interested motives have also been assigned to those who shall oppose it. Where did the learned gentleman (Mr. *Molynæux*) receive his information? What monitor within his own breast informed him of the power of interested motives? But I would have that learned gentleman know, that there is not a power in man to make me give a vote against the conviction of my conscience, and that I mean to vote against this bill from no interested motive, but because I am convinced it would prove the destruction of the country.

The question is, whether this bill shall be committed? And that question is decided by the answer to another question, whether the principle of the bill is such as we ought to deliberate upon? The principle of the bill is directly in the teeth of the constitution, and the mover confesses, that nothing but the necessity of the measure could make him bring it in. Now let us enquire, is that absolute necessity true? I say, it is not. I do not assert that the constitution is perfect, because I know that there never was, there is not, nor will there ever be a perfect constitution: But I say, that under our constitution the people enjoy their liberty and property in much greater perfection than ever any other people did, under any other constitution, antient or modern. I know that in several antient states the individuals enjoyed a much greater share of the government, but I know that confusion and misery were the consequences.

He contended, that parliament, in its present state, partook more of democracy than ever it had done, by the number of voters multiplying. As the relative value of money diminished in the reign of Henry VI. no man was qualified to vote who was not a freeholder of 40*s.* a year; 40*s.* then was equal to 22*l.* now, consequently eleven persons might now vote from the same landed property which then entitled one to vote. He asked gentlemen, would they wish to carry this principle any further? or whether they desired to throw the whole election to the miserable occupiers of the land and 40*s.* freeholders? And if so, whether they might be supposed to return a more independent House of Commons than the present? Or whether men of little property might not be supposed more under the influence of landlords than the more affluent class of the people?

But does it follow, because the learned and honourable Gentlemen have asserted it, or because some freeholders have signed petitions, that this bill is the general desire of the people? Very far from it: not one person in an hundred of those who have signed the petitions have ever read a line of the bill; and in the small circle of my acquaintance, I know that the desire of the wise, the good, the virtuous, are all against it. But suppose for a moment that all the people desired it, it would then be our business to deliberate, whether it would be for their welfare and advantage; for we are not to give the people whatever they desire if we deem it injurious to them, but we are even to oppose their wishes, when we are convinced such opposition will promote their happiness.

Colonel *Hayes* opposed the bill, as violating chartered rights, which ought ever to be held sacred. He had opposed it in another place, though few would receive more benefit if it was to pass into law, for it would, from the situation of his property, transfer to him the patronage of a borough with which at present he had no connexion. He therefore hoped the illustrious assembly before which he stood, and that where he had formerly opposed the bill, would believe he acted on the purest principles—a full conviction that the country was happier with its present constitution.

Mr. *Day* asserted, that whatever defects appeared in the constitution, it was sufficient for every desirable purpose of civil liberty. He said, that the influence of the people was already such, that their voice, when sincerely expressed, must ever be obeyed. He instanced the octennial bill extorted by the people from parliament, whereby it signed its own death warrant in obedience to them; and particularly relied on the animated and virtuous exertions of the last parliament, headed by Mr. *Grattan*, and backed by the people in recovering their long-lost constitution and trade. He contended, that the application was ungrateful and unseasonable,

to reform that parliament, which had so recently evinced its public spirit. He was sorry to hear that Mr. Grattan, who had proved its virtue, was a friend to the measure ; for that he was peculiarly bound to defend that parliament which had supported him. He said, that every dreamer on the subject admitted the necessity of compensation, which would prove an insupportable burthen to purchase precarious benefits. He advised Mr. Flood to exercise his talents in tranquilizing the people whom he had agitated, and to tell them that they lived under a constitution which approached nearer to perfection than any that the annals of the world could suggest. He concluded with declaring against the bill.

Major Doyle.—Mr. Speaker, upon a question of such infinite importance as the present, and one upon which the dearest interests of the nation, and the existence of its constitution so materially depend, I cannot reconcile it to my feelings to give a silent vote, and I am the more anxious to be explicit upon this subject, as I was one of those who voted with the Hon. Gentleman upon his first application for leave to bring in a bill of a similar tendency, in which he was seconded as at present by the Right Hon. Gentleman near him.

Sir, there is no man pays a greater reverence than I do to such superior talents, and such acknowledged respectability of character :—But, Sir, I pin my faith upon the political creed of no man ; the reputation of those gentlemen, it is true, was an additional reason for my acquiescence in their proposition, it at last gave me a fair pretext to myself for doing so ; but, Sir, I voted for the admission of this bill, because when there are two modes of effecting any purpose, that which is the most conciliating appears to me the best ; I did not wish, Sir, unnecessarily to wound the pride and hurt the feelings of those respectable supporters of the bill ; I say unnecessarily, because I was conscious that the bill required only a sober investigation and a cool discussion, to ensure its being rejected by every unbiaſſed mind. If, Sir, there could have been found in the land, any man, who (uniting abilities with ambition) should wish for private purposes to disturb the peace—any man who would stir up civil broils, that he might be called upon to lay them, and who would owe his greatness to his country's ruin ; to such a man (if such there was) I would not leave a grievance to exist upon, nor give occasion to him to tell the people, the cause was yours, but you are condemned unheard : these were my reasons for assenting to the introduction of the bill, and not because I approved it ; for it is in the recollection of every gentleman who then heard me, (and whom I now have the honour to appeal to) that I publicly reprobated the principle upon which it was founded. Thus much, Sir, have I troubled you with, as I would not wish to appear inconsistent for a moment, even to the most insignificant individual.

With respect to the present bill, Sir, it is so objectionable in every respect, that I know not at what particular absurdity to commence. Sir, I object to its principle in the first instance, because it goes to divert the attention of the public mind from objects of more importance to it, the attending to the relief of our distressed manufacturers, the cultivating the blessings of our free trade, and improving the advantages of our rising commerce; objects which, in the present state of public affairs, and the geographical situation of our country, should be the objects nearest the heart of every Irishman. Sir, I consider the present bill as a species of Balloon, painted and decorated with all the brilliancy of a luxuriant imagination to decoy the multitude; but which can only be suspended by the inflammable air with which it is filled, and obliged to wait the arrival of our illustrious Montgolfier to direct its progress. Sir, I object to it, because under the specious pretext of renovating, it goes to annihilate the happiest constitution ever man was blest with; a constitution the pride and glory of our land, and the subject of love and admiration throughout the world; it goes to sacrifice to the speculative theory of the moment, the approved practice of so many ages; it is grasping at a shadow by which you lose an essential substance. Sir, the remedy proposed is too violent, and will injure more than the disease;—for, Sir, I am free to confess that obtaining seats in parliament by purchase or any other corrupt means, appears to me to be a disease in the constitution, growing perhaps out of its luxuriance, but which I conceive could be removed without the desperate expedient of destroying the fabric. Revolution may be sometimes necessary, but too frequent a repetition of so violent a medicine would destroy the best constitution. Revolution may be a good remedy, but it is an execrable diet. This would be to act like the savage mentioned by Montesquieu, who cuts down the tree in order to obtain the fruit, or as if a man should set fire to an excellent house, merely to banish the rats that infest it.—I really, Sir, know not a simile sufficiently ludicrous, with which to assimilate the absurdities of this bill. I object to it also, because it goes to ruin public credit, for should the present plan be adopted, and found inadequate (as theory is ever liable to error) the same necessity for reformation will occur *ad infinitum*; and who will risque his property in a country where the constitution (his best security) is in a state of constant fluctuation?

Sir, the Hon. Gentleman argues the necessity of the reform from the corruption of parliament, and to strengthen his arguments, he brings forward the opinions of two great men in another kingdom, (Mr. Pitt and Mr. Fox); but when, Sir, did they find out this necessity? They found it out at a time, when the minister by his influence in parliament, continued to carry on an unsuccessful war against the sense of the nation. When did the Hon.

Gentleman and his allies find it out here? They found out the necessity of reforming their parliament, at the very instant it was working the salvation of their country. The emancipation of Ireland was a proof of their corruption; but you are called upon to reform your parliament, because Mr. Pitt and Mr. Fox for precisely opposite reasons, called for a reformation of theirs. Where was this striking necessity found out? It was found in the town of Dungannon, with all respect I say it, for the wise men have long since left the east, and taken up their residence there; for reformation cometh neither from the East, nor from the west, nor yet from the south. Good God, Sir, is this same parliament of Ireland never to be free? Shall we be relieved from foreign thralldom, only to become victims to domestic slavery? Shall we fall by the very hands that helped to raise us? No, rather let us perish by the sword of an enemy, than by the poignard of a misguided friend: "Cæsar felt more the stab of Brutus, than all his other wounds."

One word, Sir, upon the subject of decayed boroughs; the principal object of reformation. Sir, there are but two modes by which a member can be returned for a decayed borough, either by the corrupt medium of money, or by the interest of some friend who has an influence there. Now, Sir, the first might be done away, by no members being admitted into your house, who did not make oath at your table, before God and his country, that neither he, nor any agent for him, did, directly or indirectly, give money or any other consideration for his return. And, Sir, there is scarcely any man would be found so hardy, as in such a situation, to be guilty of perjury; if he was, expulsion and incapacitation should pursue him. As to the other mode, Sir, there is a constitutional influence which must ever attend property and hospitality combined, which, perhaps, Sir, it would not be expedient if it were practicable to destroy: and indeed when I look round and see that some of the brightest ornaments of our senate, owe their seats in it to the operation of that borough influence; Sir, when I see those very men whose abilities were so conspicuous in the emancipation of our country, and who could only have been in the situation to free it, through the medium of this influence; when I look at the very bill before us, which if a good one, comes before you through the medium of a decayed borough; if a bad one, no person can hesitate to reject. When, Sir, I look to a neighbouring kingdom, and see the two great men Mr. Pitt and Mr. Fox (whose talents are the wonder of the age) owe the opportunity of exerting them to this influence; Sir, when I reflect that the immortal Lord Chatham (whose posthumous fame, though it may not receive, yet certainly does not lose any brilliancy by the splendor of his son's) owed the situation by which he

raised his country to the highest pitch of glory, to the operation of this influence. I cannot regret there is such a back portal of admission for abilities, though unaccompanied with wealth.

So much for the principles of the bill. Now, Sir, how does the specific plan before you, remedy the defects that are stated to have arisen in the constitution? The extending the right of suffrage from the boroughs to the baronies, will indeed take the influence from the present possessors, but it is only to transfer it (without advantage to the public) into other hands, perhaps some, who are therefore advocates for a reform. But, Sir, the greatest objection to this is the grievous oppression that will be thrown upon three-fourths of as loyal subjects as his Majesty can boast of, I mean the Roman Catholics of Ireland; an enlightened parliament had done away the illiberal prejudices of former ages, and shall we, Sir, in the very act of renovation, re-rivet those chains, from which that parliament freed them? Mark how it would operate against the Roman Catholic tenant. No sooner does his lease expire, than he, his wife and helpless children, are set a-drift to make way for the Protestant freeholders to augment the influence of the petty baron of the barony. Sir, by this extension of the right of suffrage, but excluding the Roman Catholic, you add insult to the injury; you bring the cup of liberty to his parched lips, but like Tantalus preclude him from the taste.

Let me then, Sir, conjure you, by all the ties which influence mankind, as you respect the ashes of your departed ancestry, as you regard the happiness of your rising progeny, guard well your happy constitution; as you received from the former, transmit it inviolate and unfulfilled to the latter; let them not, when groaning under the tyranny produced by its destruction, curse the day that gave their fathers birth; let not the ruthless unhallowed hands of visionary projectors tear down this venerable pile, this sacred temple of liberty, reared by the sober wisdom of your ancestors; let not its destruction, like that of Ephesus, give fame to its merciless destroyers; guard well your charge, for should it once be lost, you never will look upon its like again.

Mr. *Boyd* said, he did not rise to oppose the principle of the bill; abuses certainly had crept into the constitution, and he was not an enemy to a reform that would eradicate them without introducing greater mischiefs. He was free to confess he had not seen a plan adequate to this purpose, and he was not for rashly tampering with a constitution, the boast of this and the envy of every other country. The present bill is totally inadequate to its professed object; it is in most parts a bill of *innovation*, though it professes to be a bill of renovation—Is not a power given by this bill to termers for years to vote, *innovation*, and an invasion of the rights of *freeholders*; at no period of our history had termers for years such a right; besides, this clause of the bill will not affect

the purpose attributed to it; it will not give weight to the democratical scale; on the contrary, it will strengthen the aristocracy—it will create an *episcopal oligarchy*. Bishops can give to their tenants qualifications of 10*l.* a year, without putting a guinea out of their own pockets, for they have power to *take a fine* equivalent to this 10*l.* The clause respecting triennial elections, he said, will tend to ruin the morals of the people; frequency of elections will promote corruption, venality, perjury, drunkenness, &c. &c. For the truth of this observation, he appealed to the gentlemen who had attended elections and select committees. The expence of election is one cause of the poverty of our manufacturers; the gentlemen who have incurred the expence of contested elections cannot afford to bring their families to town; the assortments prepared for the winter consumption lie in the warehouse of the merchant, or are sold by auction at an undervalue.

But greater mischiefs still arise—party animosity, which has been observed fatally to influence our grand and nisi prius juries, in questions of the liberty and property of the subject.—As to the part of the bill requiring residence, it is too absurd to deserve observation; it counteracts the first principles of representation, and tends to transfer the right from the *land* to the *person* of the elector, for the principle is that the *land is to be represented*. He had the honour to concur in sending from a great county two representatives, who are an honour to that county and to this House; and can it be supposed that he will give a vote for a measure that will deprive him of the like privilege in future, merely because his profession confines him to the capital? As to opening the boroughs, this will transfer the influence only from one great man to another; for he who has a property in the land will ever continue to have influence on the inhabitant of it, until this House shall devise a plan to compel the subject to value his *liberty* more than he does his property. But has this House a right, a power to do it? It has *not*: He who asserts the contrary, controverts the prerogative of the crown to create the franchise, if this House could not legally or constitutionally restrain the crown from granting the franchise. This House cannot legally or constitutionally take away or diminish the exercise of the franchise; the grantee of this franchise has as good a legal indefeasible title to this franchise as any gentleman of this House has to his *land*, for the burgess holds his franchise by charter, and you hold your estates by charter; but there is a trade of reform in this part of the constitution, legal and constitutional, though perhaps not unexceptionable, and that is to authorise by act of parliament, the burgesses to maintain a *charter right*, which they have lost by non user.—Most charters empower the burgesses to elect a *commonalty*, and authorise them to this now. An act of parliament revising chartered rights is legal and constitutional, but an act of parliament com-

manding an unlawful thing to be done is *wild*. One advantage, at least, this plan has, you allow the burgeses to *choose* whom they please to participate of their privilege; but by the other, you intrude on them a set of itinerants, of beggars. If you do this, you should establish *poor rates* for their maintenance.

He objected to the present bill as multifarious; the matter of it is the proper subject of *several* bills, and cannot be compressed into one without obscurity and confusion, which a wise parliament ought ever to avoid.

Mr. O'Hara stated, in brief, the history of the Irish constitution, as derived from that of England. There were many and insurmountable difficulties, he said, which at the first settlement of the English in this country, prevented them from extending too far the franchise of election. Pent up within the bounds of a narrow pale, surrounded with enemies, and forced for mutual protection to live in small communities, the borough system of little corporations was then perfectly well calculated for the representation of an English colony in Ireland; but now when the whole nation formed but one great and united people, that system was becoming too narrow, and ought to be extended. There were now no surrounding enemies to fear; the great evil now arose from the small number of electors; this evil had been perceived even in the reign of Elizabeth. It was not a new complaint, for he was able to quote a remonstrance from parliament to that Queen, complaining of small and insignificant villages being erected into boroughs; places in which a competent number of free electors could not be supposed to inhabit. Upon the whole, he declared his approbation of the principle of the bill, and thought if there were defects in the clauses, they might be remedied in a committee.

Sir Henry Cavendish.—A mighty noise has been made, petitions have been delivered, and a bill has been brought in about a reform in parliament: But I should wish to hear some reason for all this; where is the grievance in living under a constitution that imparts every blessing to the subject? It is said the House of Commons is corrupt; now, for argument sake, I will suppose for one moment that it is; the remedy by this bill is totally inadequate; it would introduce much greater corruption than that which has been charged.

So much has been said upon the subject before us that I will not now enter into it; I only rise to say a word to an anti-constitutional doctrine; of which our modern reformers are extremely fond; and from which they flatter themselves they would derive great power, if this bill was carried into a law; the principle which I call anti-constitutional, and against the freedom of parliament, is that of representatives being bound to obey the instructions of their constituents; I think it is right for the repre-

representative to consult and to commune with his constituents; I think he should argue with them and endeavour to convince them; but after all if his opinion should be different from theirs, if he obeys them he is not a free man.

When designing men want to overturn the constitution, they immediately set up the cry of corruption, and by that means often list the best and most worthy characters under their banner; and if, Sir, in this House there can be found men of virtue and ability, who, though in all other points independent enough, are willing to obey the leaders of democracy, is it very surprising that the leaders of democracy would wish to command, and wish to make them instruments in their designs? The consequence is, that when the leaders of democracy push those gentlemen too far, by repeated instructions, they, at last, come to feel themselves not so independent as they first imagined; and perhaps for hesitating to obey some monstrous absurd instructions, they are discarded by the democracy, and their places filled with more convenient and pliant tools.

But, Sir, those abuses could not for one moment exist, if gentlemen would advert to the first principle of parliament, or consult the dictates of their own reason, supported by the best authorities:—Every man returned to serve in parliament, whether for county, city, or borough, is from the very moment of his return, not the representative of his own mere electors, but of all the commons of the land; every elector in the kingdom has an interest, and an equal interest in him; and therefore it is absurd to suppose him bound to obey the instructions of any little community, whose interests or opinions may be diametrically opposite to the interests and opinions of the majority of the realm.

Mr. Ogle—Sir, I did not intend to enter into this business farther than just to give my reasons and to vote; but something has fallen from the Hon. Baronet, which makes it necessary for me to trespass one moment on the indulgence of the House: I am not surprized that the Hon. Baronet, circumstanced as he is, should think so lightly of constituents—but for me, who have the honour to represent a great and powerful county which has heaped favours upon me, for me in whom that county has placed an implicit confidence, to disobey their instructions would be black ingratitude. I shall ever faithfully endeavour to discharge the trust they have reposed in me. They complain of the unequal representation in parliament as a grievance; this bill is now offered as a remedy for that grievance; I will not say it is perfect, but I say it ought to be committed, because in the committee it may be rendered as perfect as possible; and I declare that I will vote against any bill that does not contain a clause to make restitution to those private persons that may be injured by a reform

of parliament; the nation is to receive the benefit, and it is but reasonable the nation should pay the expence.

Counsellor *Smith* insisted on the necessity of a reformation, not only for a restoration of constitution, but for the contentment of the people.

Mr. *Baſſe*.—The voice of the people has been so much insisted upon, and the petitions have been laid on the table with such an air of triumph, that I will speak first to that part of the subject. The bill before us, Sir, is as well calculated to gain active partizans, as it is calculated to reform the constitution. A bill which is to take away a borough influence, computed to be worth almost a million of money, and to vest it in the landlords of the neighbouring parishes or baronies, offers too rich a plunder to be neglected, and ensures powerful and clamorous advocates, even by the faults which it contains. To them I add those innocent and subordinate minds, who are ready to subscribe any thing that has a popular name, and who are the easy dupes of every example; am I not warranted to say that many of those who signed these petitions did not know the bill before us, when it is notorious that at the meetings where it was subscribed, it was neither debated nor examined; when an Hon. Member who spoke this night, and so ably, appears totally ignorant of its contents; for he tells us, that a bill which disfranchises non-resident freeholders and freemen of many descriptions, nay whole boroughs at once, does not disfranchise one elector within the land. Besides, it is not true that all the petitions before you are in favour of this bill, though they speak in favour of the general idea of a reform; with me, one man desiring to retain those franchises which this House is entrusted to preserve, has more weight than twenty desiring us to take away the rights, and to transfer them to themselves. And the great body of the people, who have sent no petitions at all, seem to me to be in favour of the constitution of their ancestors. Contentment is a silent quality. Men are not bound to petition in order to attain what the constitution gives them.—No; their silence not only gives no cause, but refuses us a justification to take it away.

After dwelling for some time on various topics, particularly on the Roman Catholics, whom he thought it both unjust and dangerous to exclude if we were to alter the constitution, he proceeded to examine the bill. He said, that the Hon. Mover had made a very singular omission; he had totally suppressed the main substance of the bill of reform. He had indeed been very specific in the parts of his bill which was to take away the rights of some of the most independent electors of Ireland; but for those who are to supply their place he refers us to a schedule, and that schedule he has not thought proper to produce. His clause enacts, that the boroughs are to be supplied with

electors from the adjacent boroughs or parishes, without specifying which; but which ever it be the mode is equally exceptionable. If to parishes, then you only transfer the borough to perhaps one neighbouring landlord; if to baronies, then to one or two. And in the same bill which takes away the right of voting from a non-resident freeholder of 19*l.* a year, a man (non-resident perhaps on account of the trade or profession which makes independent) you grant four votes to a 40*s.* freeholder, on account of one occasional freehold; but if to baronies, then perhaps you give eight votes to one 40*s.* freeholder. I live in the barony of Gowran, containing the boroughs of Thomastown, Gowran, and Inistioge; a 40*s.* voter of mine will have two votes for each, and two for the county, all out of one freehold, whilst gentlemen of 5000*l.* a year who live in a barony containing no borough, will have two votes for the county only. People of Ireland! is this the equal representation you have demanded, and without which the forms of a free constitution are a curse, and life itself is a burden? And now mark this assertion; I assert that in this bill, which is not to be an innovation, and which is to pour new blood into the constitution, there is not one man admitted to franchise except leaseholders, a new as well as a very dependent body of men; but all the rest are men who have votes already, whilst many independent men, indeed many thousands, are to be deprived of their franchise in a country where the basis of representation is too narrow; so that the Hon. Gentleman's receipt for pouring new blood into the constitution consists in bleeding it, and giving it nothing to drink. We are in all respects to imitate what was done respecting the borough of Shoreham. The borough of Shoreham was a free but venal borough; the right of voting in it was transferred to the neighbouring district: The consequence is, as I am credibly informed, that the nomination to that borough totally depends upon two neighbouring families; and this we are to make the precedent for all the boroughs in Ireland, in order to prevent boroughs becoming private property, and to pour new blood into the constitution. From respect to my fellow subjects who have approved this bill, I must suppose they have not considered it. Indeed I expect that illustrious borough which my Hon. Friend (Sir Hercules Langrishe) has mentioned as petitioning for its own disfranchisement; that borough, I am sure, knew what it was doing; it did not fall into the pit like a blind man, but jumped into it, like Curtius, for the good of its country. For I am speaking of the borough of Newry, and not of the borough of Gotham. What adequate reward can I confer on such disinterested men? I will grant their request, and if a separate bill be brought in for that purpose, I will vote to confer upon the borough of Newry that total annihilation of its vested franchises,

without which the forms of a free constitution would be a curse, and life itself would be a burden.

As to the framing of this schedule, we are left to conjecture, I will suppose it to be worded with the same regard to the rights of our fellow-subjects as the rest of the bill.

Perhaps it may be as guarded as that clause which says, that men shall be disfranchised who are not usually resident, without telling us what usual residence is, and how it is to be ascertained.

Perhaps it may be as careful of the rights of his fellow-subjects, as that clause which says, they shall be registered at some quarter-sessions in the county, city, town corporate, borough, or manor. And there are few, very few towns corporate, boroughs, or manors, where there any quarter-sessions.

Perhaps it may be as considerate as that clause, which says, that boroughs shall be disfranchised, which did not contain, within their precincts, a certain number of electors at a certain day, without pointing out any method by which this nice question is to be determined.

Perhaps it may be as judicious as that clause which contracts the representative body, by saying that boroughs which have not a certain number of voters, shall stop from returning members to parliament.

Or perhaps it may be as consistent as that other clause, which says, that boroughs not having the afore said number shall not stop, but shall borrow voters from their neighbours.

Perhaps it may be as guarded as that clause, which says, that certain electors shall be registered with the clerk of the peace for such county, city, town corporate, borough or manor; and towns corporate, boroughs, or manors, have no such officer as clerk of the peace.

Perhaps it may be as just as that clause which affects the franchise of even resident freemen, who are not in trade. A clause by which the oldest corporators and aldermen would lose their right of election, because they have been enabled to leave off their professions. Oh! note the bill, which takes away a man's right of voting, because he has become perfectly independent.

Perhaps it may be as liberal as that clause which takes away the right of voting from freemen by birth; the most independent and unconnected men in the state, if they live six yards beyond the precincts of the corporation.

Perhaps it may be as favourable to the good morals of the people as that clause, which directs that a freeman shall take his oath that he is a freeman; a question so difficult to determine, that I have known a committee of this House after 14 days deliberation, in my own case, divide upon it 8 against 7, and yet to this point of law, a man is to take his oath.

And are we to send to a committee a heap of absurdities, which deserves to be committed to nothing but to the flames, because its title is a bill to rectify certain defects in our representation? Does the principle of the bill exist in its title, or in its contents? If the title of it were as it ought to be—a bill for aggravating of those defects—would you then commit it? Before we admit of a principle which would shake the general respect for that constitution under which liberty has not only been enjoyed, and has been progressive, at least within our memory, let us see some feasible plan for its improvement. We owe this to our connection with Great Britain, a connection to be preserved by a real, not a fictitious or nominal similarity of constitution, much less by a project tending only to new conventions, and new alterations.—We owe it to our respect to the catholic body, we owe it to those charter rights, which this bill invades; not charter rights derived from this House, such as the Hon. Mover undertook a crusade to another country to defend, but rights more sacred still, parental charters, from which we ourselves derive our existence.

And before I sit down, I will call the attention of the House and of the public to one observation.

Let them observe the course of this debate, let them see how many men of any party or description, will hazard their character for common sense, by saying they approve of the bill before you. I do not say how many will approve the principle of reform if practicable, and I will say, they will vote to commit, in order to amend. For that is the common language of men who are unwilling to oppose, and too wise and honest to approve of it. But remark, how many of sense and character will say, they think this bill a real improvement of the constitution.

Mr. *Corry* said, that if the people of Newry had acted so noble a part as the last Honourable Speaker had ascribed to them, proud as he was before of the honour of representing that people, his pride would now be much increased; but though the people of Newry would be as forward as any men living, to sacrifice private advantage on the altar of liberty, yet the circumstances of their borough were not exactly as the Hon. Gentleman had described them.

He said that taking the bill before the House altogether, he did not approve of it, but thought the committee the proper place to make alterations and amendments: He could not, he said, agree with those gentlemen who would exclude the great mass of the people from the franchise of election; and founded his opinion on the words of the original writ issued by Edward III. “that that shall be considered by all which concerns all.”

Mr. *Dunn* entered into an historical account of the antient mode of making returns to parliament; the places that had a right to make the return, and the manner of investing them with this right,

and as the representation was then accounted a burthen, and not an honour, he mentioned the wages they were allowed. He concluded with offering some reasons in favour of the bill.

Mr. Browne (of the College,) said—Sir, I have listened with attention and respect to the opinions of men older and better informed than I can possibly pretend to be; and all the conclusion I have drawn from the arguments of those who oppose the committal of this bill, is that they are not in earnest; because acquainted as I am with their knowledge and abilities, I know, if they were, they never would have amused the House with objections to a question which does not exist; with objections to a plan of reform which has not yet been considered, when the only question is, whether we shall consider it at all; whether we shall give it a minute and serious investigation, or by refusing to do so, declare that there is no necessity of any reform whatsoever.—One or two gentlemen indeed, have had spirit enough to take that ground, and boldly asserted, that our present form of representation is perfect. If I understand them right, their principal proof of this is, that it perfectly answered every good purpose at the Revolution, and therefore it must do so now. As well might they argue, that the fortress which was once impregnable, must be always impregnable, though the mode of attack was infinitely varied, though the art of war was infinitely improved, and though enemies were found in the very heart of the garrison.

That some reform is necessary, the united voice of three great nations has for many years declared—Since the commencement of the present reign, the cry has been loud indeed; though the people are sometimes mistaken, yet; surely some deference is due to their opinion. I am one of those who think that no intrigues of artful men, that no dissemination of prejudice, will prevail to make a whole people uneasy without some foundation. They have said, that they no longer feel the same connection with parliament which they formerly did; they have said, that ye are inattentive to their wishes, and seldom shew your recollection of them, but by some mark of contempt. They have declared, that they no longer see the barriers by which they were formerly secured, and have called upon you to renew them—Will they be satisfied by being told, that the forms of the constitution are the same? The forms of the constitution are indeed the same, but the enemy is different—We are no longer attacked by the stern violence of prerogative, but a new and more dangerous foe has arisen, a corrupt and all-subduing influence, which with a silent but resistless course, has overwhelmed the land, and borne down every barrier of liberty and virtue. It has done what power never could have done.

*Quod nec Tydides, nec la-issus Achilles,
Nec decem anni.*

What no attacks of inroaching princes, no violence of arbitrary ministers, in a lapse of centuries could effect, influence has done within the age of man; men whose spirit would have withstood all the efforts of power, men who have as much courage as the boldest of their ancestry, (for want of courage is not the characteristic of the present age) the still small voice of influence, has subdued in a moment. They did not know the face of the enemy; corruption did not approach them with the haughty air of a Strafford, but with the courtly elegance of a modern Secretary, or the mild insinuating manners of an Attorney General.

This is the reason that the people do not look up to parliament as they formerly did; in the last century the voice of parliament was omnipotent, because parliament and the people were the same. The people had not an idea of distrusting the House of Commons—Parliament could not betray them, without betraying themselves. The passions of men were all armed on the side of liberty; their pride, their resentment, their indignation at oppression; but now the very reverse is the fact, the passions of men are all armed on the side of government; ambition and avarice drag them, as it were bound in chains, to that magic bench, [pointing to the treasury bench] and the consequence is, the people look upon us no longer as their representatives, or their friends.

What must be the effects of such opinions as these? An utter subversion of the authority of parliament.—An unnatural junction between the crown and the people. Am I speaking against the dignity of parliament? No—I am urging you to exert your strongest efforts to support it, to revive its ancient splendor; not by menaces, or intemperance (which always argue weakness) but by a real internal reform of ourselves. I know well that real liberty depends on the existence and the dignity of parliament. That parliament is gone, liberty is no more; and therefore I dread the time when the people shall look up to the crown as their only support against their natural guardians: will not the crown encourage such opinions? Can it, in the nature of things be its wish, that parliament should recover its former strength? Under our present most gracious prince, we have nothing to apprehend; but some future designing monarch may arise, who will take advantage of the temper of the public; he will go on corrupting and corrupting, until you have lost all respectability, 'till you are no longer useful to the public, or formidable to him, and when he has left you nothing to bestow, will spurn the wretched bankrupt he has made.

Yet an attempt to prevent such effects as these, is called by gentlemen innovation. How would our forefathers have laughed at the name?—They were attentive to realities, not to forms, they never hesitated at altering the outward shape, to preserve the spi-

rit of the constitution. They lopped off branches of the prerogative, which had been exercised for ages, but were become oppressive and intolerable by the change of circumstances: they excluded particular descriptions of men from sitting in this House, and determined the qualifications of electors and elected; they limited the duration of parliaments, and even altered the succession to the crown, yet we do not accuse them of innovation; we express the utmost gratitude to them, for their glorious exertions in favour of posterity. Let us then imitate them; let us comply with the request of the people, conveyed in a respectful, but earnest manner; a request, which surely we ought not to be very angry with them for—to restore ourselves to our former dignity, and to be what once we were.

Such a renovation would put an end to the obloquy to which we have been so long exposed; we should not see as we have done, perpetual majorities upon every occasion, on the side of the minister, though the minister could not have been always right; we should not see men running down with indecent haste, to support government questions, without knowing what they are—careless of the subject, if they are only told on what side they are to divide. Nor should we hear the same men presume to ridicule the most respectable part of this House, (the country interest) the only body of men to whom argument can be addressed, and on whom the nation can rely with security.

I have heard their sarcasms on obedience to constituents, with indignation and contempt; I would not obey my constituents in any thing unreasonable, but I know it is impossible they should require it; whenever they shall instruct me, I know well it will be from solid reasons, and on the best foundation, and I will obey them with the highest satisfaction. I with every man was as much bound by the ties of honour and gratitude, to pursue a virtuous conduct in this House; and I trust I shall not be thought presumptuous in saying, that I hope there would be no occasion for a reform.

Mr. *Westby*.—It is with the utmost diffidence I rise to deliver my sentiments on a subject which has been already so ably supported; it may appear superfluous, nay arrogant in me, to attempt to add any thing to what has been already advanced on that head; but my zeal for civil liberty, and above all, the sacred trust I have undertaken, operate so strongly on my mind, that I should deem myself unworthy the confidence reposed in me, should I sit silent during the discussion of a matter of such national importance. A reform in the mode of the representation, is a measure that meets with the warmest approbation of every unprejudiced mind in this kingdom, and in my humble opinion, not one argument has been adduced against it, that can tend in the smallest degree to confute the insuperable and cogent reasons which

have been urged in its favour.—It is a right to which we are intitled by the primeval establishment of our constitution. No man who has read the history of his country, but must allow that the people enjoyed an equal representation in the days of the immortal Alfred, and that it was nurtured by the wisest prince of the Norman line.—It is the only resource left for the security of our rights, it is claimed by the people as their birth-right, and best inheritance, and considered by them as the most effectual means of stemming the torrent of corruption which so visibly menaces the destruction of the kingdom.—But alas! error, sanctioned by time, appears to the inconsiderate under the similitude of truth, and even men of judgment and cool reflection, who have formed a true idea of its nature and consequences, are notwithstanding seized with the most fearful apprehensions at the first attempts for its correction. However, it is surely more consistent with sound reason, to yield in due season to, perhaps, the imaginary inconveniences of a reformation, than suspend our exertions until we are reduced to that state of accumulated misery to which a continued perseverance in a course of manifest error must undoubtedly lead us. Our constitution is allowed by all those who have minutely studied it, to be founded on a plan the most excellent, and though the beautiful fabric is much impaired by the hand of time, there are I trust, no dilapidations that may not be restored without altering its construction.—The spirit of the constitution, I must own, ought not to be changed, but the form of it should most undoubtedly be corrected.—I therefore, Sir, from the fullest conviction of my own mind, I cheerfully accede to a motion, which so evidently tends to establish the end and object of all political society, the happiness and security of the whole.

Mr. *Hartley* apologized to the House for rising to speak on a constitutional question. He was not able to unravel the sophistry used against the bill. He only knew that the people were not represented, and that they ought to be represented. The sense of the people had been collected, and appeared in favour of the measure.—He, and his worthy colleague near him, had the honour to represent between 3 and 4000 electors, who had instructed them to vote for the bill, which should, therefore, have his decided support.

Mr. *Brownlow* said, he was not much surprised at what had been said; but, notwithstanding, he asserted that the bill had been brought in at the general desire of the whole nation (a cry of no! no!) Mr. *Brownlow* insisted it was.—The subject was of such a nature, that it ought to be heard with the utmost attention. The petitions, he said, were for a more equal representation of the people in parliament, and the reason for their being opposed was obvious; but the pretence was, that they contained matter against the principles of the constitution: it was also said to be the pro-

duction of the convention; but what reason was there for urging any thing against it on that account? What ground was there for preventing freeholders from giving their opinion, because they appeared in this or that dress. The real merits of the bill, only, ought to be considered. When gentlemen objected to its being brought in from an armed body, they said, if it had come in another shape, it should be treated with deference. It now came in the shape they required, and he hoped gentlemen would keep their promise. There passed an address, that it was necessary the House should declare their determination to support their just privileges and the constitution. Some gentlemen, it was true, had made exceptions against the convention, but no inference could apply to them on that question. The present bill was the voice of the freeholders of Ireland, who now thought it necessary to declare, that they were not equally represented, and that it was indispensably necessary to renovate the constitution; that he was as ready as any man to maintain the constitution, in the utmost degree of perfection, he would beg leave to assert; but so far was this from an innovation, that he had no doubt but the bill would give such new life and vigour to the constitution, as could be expected from no other mode. Gentlemen who are for any degree of reform, would certainly vote for the committal of the bill—Gentlemen, who wish for no reform at all, will vote on the contrary. If it went to a committee, gentlemen would have an opportunity of being able to support it, in the manner they might think proper. Would people say, the present mode of representation admitted of no alteration? The people out of doors were of opinion it did; and therefore wanted alteration.—They only desired it to be treated with decency. He asked if they meant to be deaf to the remonstrances of the people? Petitions had been signed by the most respectable persons in every part of the kingdom. The body of the people, who had been deprived of their rights, only wanted to be restored to them. At present no man could say, they were equally represented.—The sense of the people was with the friends of the bill, and the people were uniformly in favour of the measure.—This was a fact very well known. Would any man lay his hand to his heart, and declare it was not so? This was the proper stage for debating the bill, they should therefore, let it go into a committee. In this stage of the business they could only consider the principle of the bill, which was unexceptionable.—The only question then was, whether it should go into a committee. He should not trouble the House any further, but hoped they would not refuse committing the bill. The whole nation was, he said, in general, in favour of the measure; and some degree of reform was certainly necessary. He insisted that a considerable sacrifice must be made to the public; and hoped, that as every gentleman who sat in that House acted for the

public good, they would discharge the trust reposed in them, and throw no obstacle in the way of the bill being permitted to go to the committee.

Mr. *Rowley* and Mr. *Lowther* said they would support the bill, as they thought a reform necessary.

Colonel *Maffey* said, he would vote for its being committed, though he did not approve of every clause. In general he approved of its principle. Formerly, he said, it was rejected as coming from armed men, but as that objection was now removed, he could see no pretence for refusing it.

Mr. *Flood*.—I flatter myself, Sir, from the particular situation in which it now stands, that the bill will obtain a more favourable hearing than before. I now, Sir, entertain the same sentiments respecting this bill, that I did then; as it is a bill for restoring the constitution. I beg leave to represent to this House, that I bring a measure of the first importance before one of the first assemblies in the world. This measure, Sir, has nothing to rely on for success, but the justice on which it is founded, and every motive of interest and prejudice is against it. I pay the greatest compliment to the virtue of this House when I venture to propose to your consideration, a subject so unpalatable, so militating against your private interests. Those who argue against this measure on the score of impropriety, do but little justice to it; but I tell them it is necessary; as I did not imagine I should be called on to defend this bill, in its present stage, I reserved what I had to offer in its favour, for the committee. I never entertained the least difference of sentiments relative to this subject; I am a friend to this bill from principle, and because it is taken up by the great body of the people. On one side of your table are the petitions of twenty-six counties, praying for a reform of parliament; on the other are two petitions, and one memorial against it. These petitions shew the sense of the nation. Those the influence of aristocratic factions in the country. You see how the voice of the people has prevailed even in the county of Down. There, though the aristocratic influence was strongest, it was forced to succumb to the voice of the people, and forced to succumb, notwithstanding every exertion of influence since made. In the county of Kilkenny, which groaned under an aristocratical influence since the Revolution, the people, such was their ardour in pursuit of this measure, signed it in opposition to their landlords. This they did, without solicitation, through mere conviction of the rectitude of the measure. So little influence was used on the popular side, that I would not suffer one of my tenants, or any other under my influence, to sign the petition, lest it should be misconstrued by the enemies of reform. Not one of my relations, or bearing the name of Flood, though a numerous and opulent family, signed it. Yet to the many and re-

respectable names subscribed, no less than two hundred more might have been added, while the other petition was carried about to solicit signatures. The principle of the bill has the approbation of the people. The question therefore is, Are the people to be properly represented, or are they not? As the people are the proper judges of this matter, if a man says himself, he is not properly represented, is it not absurd for any one else to say that he is? Can one hundred rotten boroughs bar the nation of its rights of voting? Will any man say, that the few have a right to debar the many of their privileges? Will any man say, that it bears the least resemblance to the antient constitution? The volunteers have been on this occasion industriously disparaged. This was said to be their measure, and to contain their sentiments; but these sentiments are adopted by the counties, and by the freeholders of Ireland, as well as by the volunteers; and to object to it, as the favourite wish of the volunteers, is making them a very ungrateful return for the many and signal services rendered by them to this kingdom. When this bill was formerly introduced into this House, it was argued, that it ought to be rejected as originating with the volunteers. The volunteers disappeared, and it is now argued, that it is sufficient cause to reject it, because they began with it.

By disfranchising boroughs, you but renovate the constitution. In the beginning of our government, the Lords voted not from the grant of the crown, but from their property. Not by writ or patent, but by right of barony. It is true, the crown afterwards encroached on the matter, and insisted on the prerogative of electing the Lords; but will any man say, on that account, that if the right of a seat in the House of Lords were given to be restored to its antient form, it would be an innovation, and not a restoration of the constitution? The same reasoning will be found to hold equally in respect to the present monopoly of boroughs. This bill, Sir, is not pretended to be perfect; it is only desired that it may have an opportunity to be perfected in the committee. Consider how the constitution stands, that it may grow worse, and not better by delay. Much has been said of the great advantage procured for this country, by the exertions of parliament, in order to defeat this bill; but has not that parliament the power to vote away, in one unlucky hour, all that has been acquired by the virtue of the people? Are the people therefore to blame if they desire to take away that dangerous power?

We ought to give the bill a fair discussion, to be able to form a just idea of its principle; and in order to bring the qualifications to their original form, the bill makes a certain residence necessary to have a right of voting for any place. Will gentlemen say, this is innovation? The origin of your constitution says it is not. I appeal to your statute books to prove, that, within

a few years, an unconstitutional act was made to dispense with residence in the electors. If that statute had a right to innovate on the constitution, can it be said we have not a right to restore it?

It is intended to bring in a schedule to the bill when it goes to the committee. I have a particular clause to introduce, when gentlemen shew, by the committal, that they are reconciled to the principle: By the laws now subsisting, a 40*s*. freeholder may vote every where, but by this bill he is precluded all possibility of voting for more than two representatives.

This question, Sir, has been agitated both publicly and privately, with the greatest ardour, and the greatest zeal, and gentlemen may depend on it, that the not suffering it to go into a committee will not put an end to the subject. The people have set their hearts on its attainment, and the people will at length succeed. Lord Coke says, he never knew a great question to be agitated, and afterwards renewed, that did not succeed. It acquires strength from time to time, and the labour of the people, that always insures its success. The attention shewn this subject proves the sense the nation has of its rectitude.

Nothing can put the necessity of registering freeholds in a clearer light, than the enormous abuses on the last election. In some counties in this kingdom, the poll continued for weeks. In one did not a poll continue for three days; and could one of the great number polled, during that time, establish his vote? This is an additional argument in favour of this bill, which enjoins residence, and other qualifications, that would not only prevent the practice of polling, as freeholders, such as were not so, but cause all the polls in the kingdom to be taken in three days, as it requires a residence of twelve months, and orders the poll to be taken in the different baronies.

Much has been said of infringing charters, and much has been argued from thence, in the opposition of this measure. Even the competence of parliament, in that respect, has been called a question, and its legality disputed. But was it ever said that to deprive of his franchise, a revenue officer, or any other whom undue influence prohibited from making a proper use of it, was illegal? Was it ever thought unjust to take away a privilege he was like to use against, and not for the constitution? It would be absurd to imagine it for a moment. In England, revenue and post-office officers were debarred the right of voting, because they are under influence, and cannot be expected to make a constitutional use of their franchises. Persons who have pensions are also precluded the right of voting, which, for the same reasons, no man ever thought unjust. Let those gentlemen talk as they will of chartered rights, if they are found inimical to the constitution, they ought to be dischartered.

Gentlemen think it hard to deprive such as have an influence in boroughs of what they call their property; but this is not depriving them of their property, but restoring you to yours.—They have only withheld them from the public, and have no right to be rewarded for relinquishing them. They should rather be punished for having so long detained what was not their own, and for having preferred their private advantage to the public good. I am not against making them a compensation, though I cannot sufficiently wonder at their audacity when they require it; but if such recompence is to be made, pay them in money and not in constitution.

The volunteers were formerly insulted, and the Roman Catholics must now be exasperated. But why? To get rid of a measure, which would, by removing markets without doors, remove markets within, which would deprive a certain description of men of the power of the nation. Will you suffer yourselves to be lorded over, by the proprietors of rotten boroughs? Will you suffer yourselves to be dictated to by your fellow-subjects, who would not bear it from your king.

Mr. Flood, after mentioning the late sale of Enniscorthy, and the Shoreham case, and some proofs of the necessity of reform, and saying, that Mr. Fox, and some other great characters, being friendly to the principle of this bill was a strong evidence for its propriety, continued:—If any gentleman can prepare any better, let him do so; but let the bill go to a committee, and there let it be discussed. If any man will propose any better plan I am very ready to adopt it; but until other gentlemen propose a better, I am in favour of the present. There is much influence and property in this House, but will not the force of reason be sufficient to overcome the principles of interest? In justice, this bill ought to be examined—it should flow from the voluntary act of the House. I am an advocate for the principles of this bill; if it has defects, let them be remedied. I would not blame any man for his infirmities—I would not blame the principles of a bill that is to redress a known grievance, before I examine it. We do not fit here to frame excuses for so unwarrantable an idea. Will any man say, that a borough shall be sold, and be a friend to the constitution? How may this fault be remedied then? One Hon. Gentleman (Major Doyle) says it may be remedied by the administration of an oath to the elected; but this very oath is provided, in a clause in this bill. Sir, I say, the principle of this bill is not to be shaken. It is calculated to restore to its original purity, the only part of the constitution which requires it. Upon what principle will you reject it, unless you say, the rights of the community ought not to be restored? Here is an oath, that the elected had not purchased his seat. This is a measure which every one has called

for, who only wants to have a free constitution, and all we design is, that the constitution may be free. You have had a free commerce, which you derived from the last parliament, and if you do not restore the constitution, future parliaments may undo all that has been done. Have you not a right to guard those acquisitions? Corrupt majorities I have seen, and lamented to have seen; they may in future undo every thing which you have been doing. Ministers have led them into this House; I have opposed, and conquered them too. I will prove to a demonstration, if called upon so to do, that they are not the representatives of the people. It has been said, that this bill originated in Dungannon; but the principle has been approved of in every part of the kingdom. It has been said that an effort to the same purpose was made in England, and had been rejected, and that it would be a dangerous innovation; but I say, there can be no danger; if there had been any, would it not have been contended against there, when it was so greatly and powerfully supported by some of the most respectable characters in that country?

Mr. Dennis Daly.—I rise but to declare my principles, which are utterly repugnant to this bill. The disposition manifested by the House clearly shews that I need add nothing to what has been said against it. The gentlemen who support it have arraigned, and not without some cause, the present mode of returning the representatives of the people—That there are defects in our constitution I am ready to admit. I have long wished to see them rectified; my wishes still continue as strong as ever, but my hope daily diminishes, for finding all plans either weak and visionary, or like the present, dangerous and ineffectual, I begin to think it is better

—*Bear the ill we have,*

Than fly to others which we know not of.

Whatever may have been said of the House of Commons, it cannot be denied that they are attentive to the interests and liberty of the people, and that they have restored freedom to this country. I speak not this to preclude any other set of men from that share of reputation which is due to them; for if the parliament in restoring liberty to their country, have acted in unison with the people, it is the strongest proof that this bill is not necessary.

I shall not enter into the bill, which seems to be sufficiently exploded by the gentlemen who have spoken before me; the very movers give it up as utterly untenable, or if they had any arguments they kept them to themselves, for we have not heard any. They have indeed declaimed on general topics, as is their custom, but not one argument in support of this specific plan: For a moment I am ready to allow, that the constitution is as

bad as the reformers would make it; yet still this bill is worse, and were we to pass it into a law, we should have convention upon convention, adding patch upon patch, and every crazy faction in the kingdom, with an incendiary at their head, every idle schemer, and every busy meddling priest, opposing parliament.

If there are defects in the constitution, the proper method is to proceed with caution and moderation; to bring in a particular bill for each defect, to wait till the operation of that bill has been tried, and if found advantageous to let it remain in force. Where the dearest rights of men are concerned, we cannot proceed too slowly in making experiments, lest by one rash mistake, (and even the Honourable Gentleman might mistake) we might forfeit that constitution which is the envy and admiration of the world.

He then stated the partiality and inequality of the bill; which required a much greater number of voters to constitute a borough in Connaught, where protestant voters are few, than in Ulster, where they are numerous; and after deriding the folly and absurdity of such a plan, concluded with giving his negative to the commitment of the bill.

Mr. Flood rose to reply:—He had proceeded but a few words when he was called to order by the Right Hon. John Foster. Mr. Flood persisted, but the House became clamorous in calling to order, and the Speaker rising, declared the order, that no member should speak twice in the same debate, except to explain, or by the special permission of the House. Mr. Flood then desired that the clerk should read a particular clause.

Mr. Forbes declared himself both for the bill and its principles; what we had till now, said he, was not the British constitution; what we now enjoy is not the British constitution: let us, therefore, while on the change, complete the work. Would you have boroughs, like that of Belfast, where fifteen thousand electors have among them but nine who nominate?

Mr. Grattan.—The question before the House, is, whether this bill shall be committed? And that question should be decided by the principle of the bill, and not by any defect in its clause. I believe that the present bill never can be carried into effect; but may not a bill be formed by correcting all the defects of this bill, but still preserving its principles? Every gentleman that thinks this may be done, will vote for the bill going into a committee; because that is the place to make alteration or improvement.

That this bill is an innovation on the constitution I deny; the fundamental principles of the constitution are abused by the corruption of boroughs, and if they are, reformation becomes ne-

cessary. This bill goes to first principles; it is an innovation upon abuse; but it is a renovation of the constitution. What was the octennial bill, what are our election laws but innovations upon abuses, and renovations of first principles? Our forefathers were not so apprehensive of innovation; the great charter was an innovation upon tyranny; the bill of rights was also such an innovation; but they were both restorations of the people's rights.

It is said that this bill will encrease both the oligarchical and democratical factions of the state; this I think is impossible; the power of the commons and of the people are the same, and he is a bad man who would wish to separate them. It is not three hundred gentlemen sitting in parliament that are commons of Ireland, but those gentlemen and their constituents together; it is this alliance that gives strength and longevity to our constitution, which long ago would have fallen under tyranny, if not supported by the people; this is the cause why the constitution of England has not fallen, as that of France has done for want of such an invigorating principle.

Another argument is, "that we ought not to disfranchise those persons who at present enjoy the right of voting in boroughs;" but can that be called a franchise, which is used as a private property, either to be sold or given away? besides we impose no hardship on those people, but what the law has already imposed; for the law of the land disallows the selling seats in parliament.

I have declared my approbation of the principle of the bill, and will vote to have it committed—so far will I go and no farther. I will not commit the parliament, nor give my consent to any act or resolution, or expression injurious to the commons, because that would be to discredit their authority and impeach the law-makers; and what have we been contending for, but the supremacy of our parliament? I acknowledge our constitution has some defects, but such as it is, it is the best existing; and though it may be a proper subject for reform, it ought not to be the subject of calumny. Mr. Pitt has set us proper example; animated with his father's patriotic spirit, he wished to invigorate the constitution of his country, to supply it with strength, and remedy its infirmities; but he felt a dutiful respect which restrained him from any violent or rash proceeding. He knew that if by any excess of the reformer, a reform was once lost, every hope must perish with it.

Gentlemen have intimated that discontents may prevail among the volunteers and the people if this measure should be rejected; I doubt not there may be some little ebullition; but nothing less than a miracle could convince me that they will ever violate the public peace and good order; they are restrained by the

constitution they possess, and by the same which they have acquired. When I declare this opinion of the volunteers, I know I speak before men, who in conjunction with them have done more than the barons at Runnymede, or the convention parliament: Men who have acquired more by wisdom and discretion, than others with the sword. I do not like the distinction, which says, the people and not parliament acquired the great objects for which this country lately contended—the distinction is not just or true—they were acquired by an happy concurrence and union of both.

Who acquired the free-trade? The House of Commons.

Who acquired the repeal of the 6th Geo. I.? The House of Commons.

Who restored the appellant jurisdiction? The House of Commons.

Who framed an Irish mutiny bill? The House of Commons.

In a word, who obtained all that could be demanded or desired? The House of Commons, backed, not bullied, by the volunteers—supported, but not intimidated. The volunteers never did, nor ever would attempt to overawe that parliament under whom they formed—that parliament which they have pledged their lives and fortunes to support.

As the principle of this bill, Sir, goes to a reform, I will vote for having it go into a committee; the defective clauses may there be altered, as was done in the case of the bill for relieving our catholic fellow subjects, which I had the happiness to support. The Right Hon. Gentleman who introduced that bill, being convinced of its imperfection, consented to a total alteration of its form; retaining its principle and spirit; the same thing may be done with this bill; and I sincerely wish it may have the same effect.

Between three and four o'clock on Sunday morning, the question, whether the bill should be committed, was put, and on a division the numbers were,

Ayes,	—	85
Noes,	—	159
Majority against the bill,		74

MONDAY, MARCH 22, 1784.

The order of the day being called for going into the insolvent bill,

Mr. *Chatterton* moved an instruction to the committee to compel persons in goal, who chuse to remain there, rather than pay

their just debts, to give an account of their effects on oath ; which, after some conversation, he withdrew, for fear of endangering the bill.

The Right Hon. *John Ponsoby* presented a petition from the incorporated society for promoting charter schools, praying parliamentary aid.—Ordered to lie on the table.

The House, according to order, proceeding to take into further consideration the report of the select committee, appointed to try the merits of the petition of William Alexander English, Esq; complaining of an undue election and return for the borough of Enniscorthy, in the county of Wexford ;

And William Alexander English having attended, according to order, he was called in, and was heard in his defence, and then ordered to withdraw.

And Sir Vesey Colclough, Baronet, having attended in his place, according to order, he was heard in his place.

The resolution of the committee, relative to the misconduct of the returning-officer, was upon motion read, and is as follows :

Resolved, That it is the opinion of this committee, that the returning-officer, Sir Vesey Colclough, Baronet, was guilty of misconduct previous to the late election, by having acted under the corrupt influence of the said William Alexander English, and endeavouring to procure the election of the said William Alexander English for the borough of Enniscorthy, during the present parliament.

Resolved, *nem. con.* That the House do agree with the committee in the said resolution.

Ordered, That his Majesty's Attorney General be directed to prosecute Sir Vesey Colclough, Baronet, and William Alexander English, Esq; for the offence mentioned in the said resolution, and in the minutes of the committee.

Mr. *Annesley* said, that before the Christmas recess, he had moved to bring in a bill for settling the police of Dublin, but being informed that the corporation had it in contemplation to propose a bill for the purpose, he had declined pursuing the subject. A long time had now elapsed and no bill was brought in, he desired therefore the representatives of the city would inform the House whether or not they intended to bring in any bill for the purpose?

Mr. *Hartley* answered, there was a bill now preparing.

Sir *John Blaquiere* said, he had minutely inquired into the matter, and was clear in opinion, the Honourable Members who represent Dublin had been imposed on, and that no such thing was intended. He then presented the report of the committee on the cleansing of the streets, which was agreed to.

The *Provoſt* reported from the committee on the bill for diſcharging perſons acquitted without fees.

He alſo moved for leave to bring in a bill for widening the ſtreets of Cork, and building bridges therein.

The inſolvent debtors bill, in cuſtody, was reported, and the conſideration adjourned to next day.

The following bills received a third reading, were paſſed, and ordered to the Lords, viz.

The poſt-office bill.

Limerick gaol bill.

Waterford police, and revenue bills.

Mr. *Molyneux* made his promiſed motion, “ That it is the opinion of this Houſe, that the Chancellor of the Exchequer, and the Maſter of the Rolls, ought to be reſidents in this kingdom.”

Sir *Edward Newenham* ſeconded the motion.

Mr. *George Montgomery* and Mr. *Brookes* ſupported it on the ground of their being offices of great public truſt and utility.

The *Attorney General* ſaid, that if the Maſter of the Rolls was compelled to become a reſident and efficient officer, it would render the buſineſs of the Court of Chancery more prolix and tedious than it is at preſent. At preſent there is an appeal from the deciſion of a Maſter in Chancery to the Chancellor in perſon, there would then be an appeal from the Maſter in Chancery to the Maſter of the Rolls, and another from the Maſter of the Rolls to the Chancellor in perſon. This, he ſaid, would be attended with delay, and inconvenience to the ſuitors, and would give great additional reaſon to curſe the law’s delay.

General *Luttrell* alſo denied that a Maſter of the Rolls was a neceſſary officer in Ireland; he aſſerted, on the contrary, that the office would be miſchievous, that it would render the buſineſs of the Court of Chancery more circuitous, and that it would be more difficult to thread the eye of equity than even at preſent. He aſſured the Houſe that the buſineſs of the Court of Chancery was mere play to Lord Chancellor Liſſord, and that his lordſhip himſelf had declared in the Houſe of Lords, that the aſſiſtance of a Maſter of the Rolls was unneceſſary.

It was true, he ſaid, that there was a Maſter of the Rolls in England, ſo was there a Chief Juſtice in Air. There was alſo five times the buſineſs in the Court of Chancery in England than there was in that of Ireland; that therefore, if one Maſter of the Rolls was neceſſary here, five would be neceſſary there. The ſuitors money in England he eſtimated at ſeven millions ſterling, here it ſcarcely amounted to eighty thouſand pounds. He ſaid, that the Chancellor of England ſat in his court from nine till three, beſides ſitting frequently in the evening; here the Chancellor ſat

from half after eleven till two, being two hours and an half each day that he did sit, but these days were not by one-third so many as the sitting days in England, which was evident from the notices constantly given in the news papers, of the days the Chancellor sat, and of the business destined for each day. It was therefore, he said, a libel on Lord Lifford, to suppose there could be any arrear in his court, otherwise he would sit longer; nay, that he could do twice the business if necessary was clear, only from sitting from ten to three; which was one hour short of what the Chancellor sat in England, and twice the number of hours the business of the court now required his lordship to sit; besides, from his lordship's practice, it must be believed that it was not necessary for him to sit in the afternoon at all, and therefore it was impossible that there should be any arrear in his court.

He said, the best proof possible of the Lord Chancellor of Ireland having done his duty by the public, was the hereditary honours not long since bestowed upon his lordship by our glorious sovereign; the preferments both in court and state heaped upon his family and kindred. That the fair fame of the name of Hewitt, had induced a most respectable borough in the north to call upon one of his sons, as the most popular character they could find to represent them. That the superfluity of his lordship's income, secured affluence to all his family, and that all these things, together with the testimony of a clear conscience, wound up his lordship's bottom. He therefore repeated, Lord Lifford was just as his motto, feared no enquiry; did his duty by the public, and wanted no assistance from a Master of the Rolls.

But, continued the *General*, whenever it shall please Providence not to suffer his lordship to continue longer on earth, when an unworthy successor to his high office, possessing nearer ten than nine thousand pounds a year, which the seals were now become, should suffer a destructive arrear to accumulate in the court of chancery, and should delay, deny, or (by extorted fees) should sell justice; and should establish or encourage such a system of injunction proceedings as to sink the value of our lands, and prevent this from becoming a trading country; and that such a Chancellor should not even try to get through the business of the court, but persist in sitting only two hours and an half a day on the days he condescended to sit at all: he said, if ever this country should be so insulted by a future Chancellor, he should expect that the Hon. Gentleman, instead of moving for a Master of the Rolls to assist him would move for an enquiry into his conduct; and he flattered himself if the Commons did not impeach such a Chancellor, they would at least send him to Coventry.

The stings of a guilty conscience must in the mean time pursue such a character; long cause and short cause, replication and amendment, writ of error and appeal, bankrupt and idiot, would

pull aside his curtains, and rob him of that sleep which his delays had so often ravished from the tormented suitors of his court, and utterly destroy the digestion of those big wig dinners he seldom probably would omit to partake of.

Having mentioned the seals being worth from nine to ten thousand pounds a year, he observed that the biennial vote of 3000*l.* to the Chancellor from the House of Lords as their speaker, should be discontinued, if such a person as he had described should at any time hold the seals; but that as it had originated with lord Lifford, it should also cease with him. It is true, 1000*l.* had been so granted to Lord Chancellor Bowes the last year of his life; but that sum had been permanently fixed to the salary of the present Chancellor by Lord Townshend, in order that his lordship might be independent: Indeed Lord Lifford's contempt of money was too well known to suppose it would warp his integrity; but his successor might be unlike, and therefore he hoped, even now, the Commons would humbly intercede with their lordships, to cease bestowing any pecuniary gratification upon their speaker as long as that speaker should be one of the judges of the land: that it was indecorous that the chief equity judge, who decided not according to the letter of the law, but according to his conscience, should be a pensioner at pleasure on the Lords. At this time too, when such a becoming jealousy had been shewn of the judges being dependent on the crown, and though this might not shake the integrity of a Chancellor in matter between a peer and commoner, yet the public might think it had its effect, and a Chancellor, like Cæsar's wife, ought not to be suspected.

He concluded with saying, that he looked upon the master of the rolls not as an efficient officer, but his place as an honourable sinecure; and that whenever Lord Lifford chose to retire, and enjoy *otium et pecuniam cum dignitate*, he should rejoice to see his lordship in that station, provided he did interfere with the business of his successor in the court of chancery.

The question of adjournment being moved, was carried without a division.

TUESDAY, MARCH 23, 1784.

Ordered, that the House do resolve itself into a committee of ways and means to-morrow.

Sir *John Blaquiere* acquainted the House, that several meetings had been held for the purpose of devising some plan for the consideration of parliament, to regulate the police of this city. The objects of regulation were many and various, such as lighting, watching, paving, &c. All these he would have included in one

act. Some fund ought to be appropriated to this purpose; he would have the regulation of the police in one board. He then went through a long calculation, which tended to shew, that the yearly sums now applied, with so little effect, were jobbed into the pockets of those intrusted with the management of them, and that the streets and footways might be kept in as good order as Essex-bridge, for less than the one-third of the money at present so ill expended. He knew persons who were ready to contract for keeping the streets in order for one per cent. which now stands the public at 22 per cent. It was a melancholy thing, to see the poor with bits of broken bottles, or tea cups, taking drops of water, where the pipes in the streets happen to break: otherwise, if they had but a penny, they must lay it out in whiskey at some of those little public houses, which are so great a nuisance, in order to procure a little water. It would be therefore proper to erect fountains in certain places for the purpose of supplying the poor. He thought seven directors should be appointed by the act, who were to name five commissioners; and as no labour comes dearer to the public, than what is said to be given for nothing, he would have 20s. allowed them every day they attended, and that all the other officers also should have salaries. He would have the funds appropriated to that purpose, applied to pay off the principal and interest of their 16,000*l.* He would have any deficiencies made up from the funds of the linen board, which he proved to be more than adequate to their purposes, and most scandalously misapplied in jobs, and profuse salaries, to nominal or unnecessary officers and servants. The income of the linen board, he said, was 26,000*l.* a year, a sum only squandered away in partial and unnecessary grants, and douceurs, and with so little justice, that the House could hardly find time to do any thing else, it was so teized with complaints of the linen board.

Mr. *Foster* thought himself entitled, in a particular manner, to say something on the present occasion. He had formerly brought in a bill for the paving, &c. of the city of Dublin. This bill had procured him a name, as he had the honour to be baptized John the Paviour; but at the rate the Right Hon. Gentleman went on, he was likely to ease him of his burthen, and become Sir John the Paviour. He asked if gentlemen would take from the linen board the means of encouraging the manufactures of this country, to pave the streets of Dublin? 4000*l.* a year were expended in premiums for encouraging the growth of flax-seed, which might be had as good here as imported. But perhaps the Right Hon. Gentleman thought this 4000*l.* a year might be better laid out on paving and cleaning the streets. As for him, as he thought it unjust one part of the kingdom should be taxed for the exclusive advantage of another, he would not give the money of his con-

fituents to pave the streets of Dublin. If they were not themselves rich enough to pave them, they ought to be contented with the present pavement.

Alderman *Warren* said, that when he had the honour to be chief magistrate, on his entry into office, he had written to the lord mayor of London for a plan of the system of police used in that metropolis. He had also written to Sir Sampson Wright for the same purpose, and conducted himself during his mayoralty, by the communications those gentlemen were pleased to make him.

Mr. *Corry* vindicated the linen board, and seemed angry that a set of gentlemen inferior in rank and fortune to no body whatever, should be, as he said, stigmatized by one of their own members (Sir John Blaquiere); they were not to be blamed for the misconduct of those officers under them, in the different parts of the kingdom.

Sir *John Blaquiere* moved for leave to bring in a bill for cleansing and repairing the streets, &c. of the city of Dublin, and for erecting fountains therein.

Alderman *Warren* thought the word *fountains* might be omitted, as the grand jury had presented for the purpose.

Mr. *Green* said, the revenues arising from the tolls of the metropolis were ample, and might afford a superfluity, more than sufficient to answer the purposes of the Right Hon. Gentleman's bill, without proceeding to the injustice of making the rest of the nation pay for their convenience. A particular friend of his, General Walshe, had imported two Newfoundland pups, for which he was obliged to pay sixpence toll. This one instance would serve to convey an idea of the income arising from the tolls, which was squandered in guttling and entertainments, by the aldermen, instead of being applied to the purposes for which it was originally intended.

Leave was granted accordingly.

House resolved itself into a committee on Sir Edward Newenham's bill for qualification of county justices.—The bill read and reported.

Mr. *Chatterton* reported from the committee appointed to examine the election laws, that the multiplying of the election laws, produces confusion, delay, and unnecessary expence at elections. That one act of parliament to regulate elections for counties, cities, boroughs, and all places returning members to parliament, to ascertain the qualifications of voters, to establish an universal registry of freeholders, and to direct the conduct of sheriffs and other returning officers, would be an useful law to this country.

Ordered, that Sir Francis Hutchinson and Mr. Chatterton do prepare a bill accordingly.

Mr. *Chatterton* reported from the committee on the salvage and shipwreck bill.—Ordered to be engrossed.

WEDNESDAY, MARCH 24, 1784.

The report of the committee of the whole House, on the bill for the relief of insolvent debtors in custody, was continued, and after some trivial alterations, the bill was ordered to be engrossed.

The *Attorney General* moved his clause to be inserted in the naturalization bill, for exempting from the payment of duty, all tools and implements of manufacture belonging to the Genevese.

Mr. *Gardiner* said, that books and household furniture should also be exempted, but made no motion thereon, on being told, by Mr. *Beresford*, that books paid a trifling duty, and household furniture none.

Alderman *Warren* said, that the exemption should be limited to twelve months, as by that time they might get any tools they should want, made here.

The clause was accordingly altered to operate for one year only, and ordered to be inserted in the bill.

Mr. *Gardiner* objected to the clause in the bill for excluding foreigners from the office of privy counsellors and members of either house of parliament, and hoped it would be expunged, as it would be a means of encouraging the principal foreigners to live amongst us.

This was opposed by the *Attorney General*, as improper to open the senate and the great offices to strangers, without trying them or knowing their principles.

Mr. *Gardiner* gave up his projected motion.—He then desired to know from the gentlemen in the House, what day they would fix for the consideration of the report and evidence on the state of the trade, which he hoped would be for a short day, as it was become a matter of necessity, for if deferred longer, there would not be time for coming to a determination of this important subject this session; he would therefore mention Friday or Monday next, before the House grew thinner.

Mr. *Beresford* said, as the evidence is very voluminous, it required time to consider thereof, and he would move for Friday se'nnight.

Mr. *Daly* and other gentlemen wished for further time to consider the report of the evidence. After some debate the question was put on the long day as an amendment,

Ayes,	—	—	—	—	43
Noes,	—	—	—	—	23
Majority,	—	—	—	—	20

Mr. *Gardiner* then moved, that the House resolve itself into a committee of the whole House, to consider of the report on Friday se'nnight.—Ordered.

Mr. *Isaac Corry* said, as he found there were great difficulties and objections to the paving bill which he had brought in, he would withdraw the same, and leave it to abler hands till next sessions.

Read a second time, the bill for making Tullamore the assizes town of the King's county.

Sir *William Parsons* moved, that it should be committed.

Sir *William Ponsonby* opposed the commitment. The bill, he said, had been hurried forward with so much precipitation, that it was not possible for many persons whose property would be greatly injured, to petition against it; he therefore hoped the House would guard the property of those persons who had not an opportunity of defending it themselves.

Mr. *Mason* said, that changing the place of holding the assizes for any county was a matter of very great moment; but in the present case, the persons who supported the measure had not only omitted to give notice to those whom it immediately concerned, but had omitted to inform government of their intention. He said, that where an advantage was intended to one place, by granting a fair or market to be holden there, the writ ad quod damnum was always issued, that restitution might be made to any other place that possibly might be injured by it.

The *Attorney General* said, that the want of accommodation in Philipstown was so great, that a removal of the assizes to Tullamore was, in his opinion, an act of absolute necessity; the inconvenient situation of Philipstown, in the centre of the great bog of Allen, so unstable that a troop of horse trotting hard through it, would shake every brittle thing to pieces; lying at the very extremity of the county, forty miles distant from some other parts of it, together with a thousand disagreeable circumstances, that every man who goes the Leinster circuit must experience, made him wish to have the assizes for the King's county held at Tullamore.

Sir *Annesley Stewart* opposed the bill. A noble Lord who held his estate on condition of providing at all times accommodation for his Majesty's judges, when presiding at the assizes at Philipstown, had very lately expended 1300*l.* in improving that town and the court-house for their accommodation; and were the assizes to be removed, that noble Lord's estate would suffer great injury: and though Tullamore contained a greater number of freeholders, he hoped that would not influence the opinion of the House.

Mr. *Cusse* said, he never would consent to change property, without making restitution to the persons injured.

The question, whether the bill should be committed, being put, there appeared,

Ayes,	—	—	—	23
Noes,	—	—	—	35

The House then resolved itself into a committee of ways and means, Mr. Foster in the chair.

Mr. *Latouche* moved, that the tax of one shilling per ton on coals imported, not being the production of Ireland, should be continued till the year 1810 — After some conversation, the motion was agreed to, and Mr. Foster reported.

Mr. *Beresford*, after informing the House that on account of the removal of the custom-house, many persons would be induced to build in the neighbourhood of the North-strand, and this would greatly enhance the price of the ground, which the commissioners for widening the streets had in contemplation to purchase, if that ground was not immediately valued; he therefore recommended that the valuation should immediately commence; and in order to pay the expence, he moved, “That an humble address be presented to his Excellency the Lord Lieutenant, that he will be pleased to recommend to his Majesty the issuing of his royal letter, for a sum not exceeding 10,000*l.* for that purpose.”

Ordered accordingly; and a committee nominated to prepare the same.

Mr. *Bolton* moved for leave to bring in a bill for explaining and amending the acts of the 11th and 12th years of his present Majesty, for asserting and supporting the privileges of parliament, and for making the same perpetual. — Ordered.

Mr. *Foster* brought in a bill for the improvement of the linen manufacture. — Ordered to be read a second time to-morrow.

THURSDAY, MARCH 25, 1784.

Immediately after the Speaker had taken the chair, the House, pursuant to order, resolved itself into a committee on the inland fishery bill, Mr. Hayes in the chair.

The *Protest* moved a clause to the bill, purporting, that whoever should, after certain notice, persist in retaining illegal weirs, should be punished with fine and imprisonment.

On the motion of the Right Hon. Mr. O’Neil, the fine was limited to 10*l.* and the imprisonment to six weeks.

Mr. *George Ogle* informed the committee, that it would be necessary to provide against a certain custom prevalent in this coun-

try, which was of pernicious tendency to the inland fisheries. In the month of September, he said, it was usual for large fish to come up to spawn. They generally made choice of the shallow waters for this purpose. This season of the year was generally accompanied with a light frost, which made the water yet shallower. The males went up a great way to make beds for the females to lay their spawn in. At this time the country people usually light wisps of straw over the water, on sight of which the salmon come to the surface of the water, and are so foolish as to follow the light the distance of twenty yards, till led to some convenient place where they are speared.—He instanced the river Slaney, to shew how pernicious this practice had been to the inland fishery. He lived near it, and his house, some time since, got fish from that river to the amount of fifty and sixty pounds a year. At present this river did not afford one salmon. He then moved, that any person convicted of preventing, by net or otherwise, salmon or other large fish from spawning, should be punished with a fine of ten pounds, and imprisonment of three months.—Clause inserted.

Alderman *Warren* moved a like clause for protecting the spawn from island-bridge to Poolbeg; which was also inserted.

The Right Hon. *John O'Neil* said, that he would wish the same mode adopted in this, that is in cases of illegal distilleries, where the informer was intitled to half the penalty. However, as he only threw this out for the consideration of the committee, he would not trouble the House with the motion.

The Speaker now took the chair, and Mr. Hayes reported from the committee, that they had gone through the bill.

Ordered to be read a third time to-morrow.

The bill for regulating the goals of this kingdom, was, on the motion of Mr. Holmes, read a first time.

Ordered, on the motion of the *Provost*, that it be an instruction to the committee of supply, to receive a clause for exempting coals brought for the public coal-yards from the additional tax.

Sir *John Blaquiere* urging the necessity of some temporary repairs to paving the streets of this city, this summer, to prevent them from running to irreparable decay, moved for an address of the House to his Grace the Lord Lieutenant, signifying their humble request to his Majesty, for granting the sum of 2700*l.* for the temporary repairs of the pavement of this city; and that the superintendency of such repairs, and laying out of said sum for that purpose, be vested in Sir John Blaquiere, Alderman Warren, and William Colville, Esq.—The motion passed without a division.

The House in a committee on the bill for discharging prisoners acquitted without fees, and presenting such fees for clerks of the crown, &c. Sir Francis Hutchinson in the chair.

The *Provoost* was not for limiting, but giving a discretionary power to the grand jury of every county, for presenting or not the fees accruing to the officers of the court from prisoners discharged by virtue of this act. This discretionary power had been vested in grand juries since the year 1763, and no inconvenience arose or complaint exhibited, of any abuse thereof; he was therefore of opinion, that grand juries were the most competent judges of what sums to grant on such occasions, and disapproved of any limitation.

The *Prime Serjeant* condemned the practice often made use of by some clerks of the crown, of substituting ignorant persons to supply their place as deputies, whence much perplexity ensued in trials, from blunders in drawing up indictments, tending often to the evasion of a culprit from justice, and sometimes endangering the life of an innocent subject. He represented to the House that the crown business in various counties and at various times, were eventually disproportionate, therefore, that a discretionary power in grand juries would better answer the purpose of rewarding officers adequate to their merit and labour, than a limited one, to answer the end proposed by the act.

Mr. *Chatterton* remarked, that the clause objected to by the Right Honourable Gentleman, was not mandatory on grand juries, but rather discretionary, as it implied nothing more than "That a grand jury might present such a sum or sums to a clerk of the crown, &c. as not to exceed the fees arising on the discharge of such prisoners." After which the Right Honourable Gentlemen withdrawing their opposition, the bill was read through, and ordered to be committed on Saturday.

The *Attorney General* moved for leave to bring in heads of a bill, for the better securing of money lodged in the Exchequer.—Leave granted.

FRIDAY, MARCH 26, 1784.

The Honourable General *Luttrell* presented to the House, according to order, a bill for the more effectual discovery and prosecuting offenders called houghers, and for the support and maintenance of soldiers or other persons houghed, maimed, and disabled by such offenders; which was received and read a first time, and ordered to be read a second time to-morrow morning.

The House in a committee on the bill for licensing hawkers and pedlars, the Solicitor General in the chair.

Reported some progress, ordered to sit again to-morrow.

General *Luttrell* moved, that the clerks of the House ascertain their fees on private bills this session.—Ordered.

Agreed to the report of the committee on the address to the Lord Lieutenant, to request his Majesty to grant 10,000*l.* from the treasury to the commissioners for widening and opening the avenues of the city of Dublin.

A message from the Lords by the Masters in Chancery, with three bills, which they had agreed to.

Another message from the same, by Judge Robinson, that they had agreed to a money bill, sent from this House.

The House in a committee, Mr. Lloyd in the chair, on the bill for making and widening roads in mountainous and remote places.

Reported some progress, and leave given to sit again to-morrow.

The *Attorney General* brought in a bill for the better promulgation of the statute law of this kingdom, by furnishing every county with the same, at the national expence.—Ordered to be read a second time to-morrow.

Mr. *Tydd*, according to order, reported from the committee of the whole House, appointed to take into consideration the motion of yesterday, that an humble address be presented to his Grace the Lord Lieutenant, that he will be pleased to lay before his Majesty the humble desire of this House, that his Majesty will be graciously pleased to grant to the commissioners appointed by act of parliament for making a wide and convenient way, street and passage, from Essex-bridge to the Castle of Dublin, a sum not exceeding the sum of 10,000*l.* towards enabling them to open the passages from Drogheda-street to Mabbot-street, and to remove the glass-houses lying in and near that line, and that this House will make good the same, the resolution which the committee had directed him to report to the House, which he read in his place, and after delivered in at the table, where the same was read, and agreed to.

Ordered, That the said address be presented to his Grace the Lord Lieutenant by such members of this House as are of his Majesty's most honourable privy council.

Sir *John Blaquiere* reported from the committee on the address to the Lord Lieutenant, requesting his Majesty to grant out of the treasury 2,700*l.* for the repair of the streets of Dublin, and that the House would make good the same.—Report ordered to be received to-morrow.

He moved, that the proper officer should forthwith lay before the House, an account of the duties on carriages appropriated for the use of the inland navigation.—Ordered.

Mr. *Chatterton* reported from the committee on the bill for ascertaining the qualification of justices of the peace for counties at large.—Agreed to the report, and the bill ordered to be engrossed.

Alderman *Warren* moved for a clause to ascertain the bounty on the land carriage of malt, barley and bere.—Ordered.

SATURDAY, MARCH 27, 1784.

Message from the Lords, that their lordships had agreed to some bills without any amendments.

Some bills being reported, the House resolved itself into a committee on the bill for establishing a physical school in this kingdom, Honourable Mr. Hutchinson in the chair.

The bill being read till it was come to the clause for vesting the election of professors in the president of the college of physicians and fellows at large,

Mr. *Arthur Brown* moved, that it should be in the president, or in his absence, in the vice-president and censors for the time being.

The *Provost* moved a long amendment, the purport of which was, that the president and vice-president should, on the day previous to the day of election, or in case that day should be Sunday or Christmas-day, on the day immediately before, choose, by ballot, from among them, three gentlemen, who, together with the provost, or, in his absence, the vice-provost, professor of physic in the university of Dublin, should elect the King's professor of physic.—The amendment was agreed to.

The bill was read through, and when Mr. Speaker had taken the chair, was ordered to be reported on Monday next.

The House then went into a committee on the bill for preventing glass-houses, &c. in Dublin, or within a certain distance thereof.

The bill being read through, till it came to the blank for inserting the distance,

Sir *Annesley Stewart* moved, it should not be any where within the circular road, or 800 yards from the off-side thereof, or in any place whatever between the city and the sea on the side of Ringsend.—Agreed to.

The bill being read through was, as soon as the Speaker took the chair, reported by Sir Hugh Hill, and ordered to be engrossed.

The Right Honourable Sir *John Blaquiere*, according to order, reported from the committee of the whole House, appointed to take into consideration a motion that an humble address be presented to his Grace the Lord Lieutenant, to request that he

will lay before his Majesty the humble desire of this House, that his Majesty will be graciously pleased to direct that the sum of 2,700*l.* be issued and paid to the Right Honourable Sir John Blaquiere, K. B. Alderman Nathaniel Warren, and William Colville, Esq; to be by them expended for the purpose of making a temporary repair of the pavements of the streets of Dublin, and to be accounted for to parliament, and that this House will make good the same, the resolution which the committee had directed him to report to the House, which he read in his place, and after delivered in at the table, where the same was read, and agreed to.

Ordered, That the said address be presented to his Grace the Lord Lieutenant by such members of this House as are of his Majesty's most honourable privy-council.

MONDAY, MARCH 29, 1784.

The House, according to order, resolved itself into a committee of the whole House, to take into consideration a bill to amend the laws for the encouragement of planting timber trees; and after some time spent therein Mr. Speaker resumed the chair, and Mr. *Hayes* reported from the committee that they had gone through the bill, and that he was ready to report when the House will be pleased to receive the same.

Ordered, That the said report be received to-morrow morning.

Sir *Lucius O'Brien*.—I some time since brought in a bill for restraining for a limited time, the distilleries of this kingdom, which I imagine would tend to the public good; but as I have not for some time been able to attend my duty in parliament, the bill has lain dormant; and as I am informed there is a great diversity of opinion among gentlemen on that subject, I would wish to know the sense of the House thereon, as I do not intend obtruding any opinion of mine, without the approbation of the House, and shall therefore wish to know the sense of the House, if they are willing to go into the bill to-morrow, or any other time.

Mr. *Foster* thought it was a measure that could not be properly done at present; it was of a nature that would much injure both public and private property, as it would encourage private distilling—hurt the fair trader—and defraud the revenue—besides the great loss to individuals; for as there was but a small quantity of barley in the kingdom, and that mostly kept for seed, so that those who had provided and laid in a stock of it, a great part of which was now malted would be ruined, or very great

sufferers: he would therefore submit to the Hon. Baronet, if it would not be the best mode of getting rid of the subject, by postponing the order to the 1st of November next.

The question being put, the order was postponed till the 1st of November next.

Mr. Cotter, one of the committee on the Westmeath election, having an urgent occasion to go to England, was excused, and leave given to the committee to proceed notwithstanding his absence.

Mr. Stewart.—I have a petition from the county of Tyrone, praying for a parliamentary reform, and by some improper delay, I did not receive it till last Saturday, or I would have presented it sooner to the House.—Ordered to be received and read.

Right Hon. the *Attorney General* presented to the House, according to order, a bill for indemnifying such person or persons as have acted for the service of the public, in advising or carrying into execution a proclamation of the Lord Lieutenant and council of this kingdom, bearing date the 27th day of January, 1784; which was received and read a first time, and ordered to be read a second time to-morrow morning.

The Hon. *Richard Hely Hutchinson*, according to order, reported from the committee of the whole House, appointed to take into consideration a bill for the establishing a compleat school of physic, that they had gone through the bill, paragraph by paragraph, which he read in his place, and after delivered in at the table.

Mr. Brown (of the College) objected to the professorships created by the bill, as being useless.

The *Provost* said, that the report he had made had undergone the strictest scrutiny of the college of physicians, who were in its favour; in particular he had been conversing with Doctor Percival, and he could say of that gentleman that he was of great abilities and the first in his profession; that he hoped the gentleman who so ably filled the chymical chair, would undertake the professorship of natural history, particularly as the two sciences were nearly concerned. To assist the researches of students, a very commodious and well stored museum was established, which had already produced a good effect, having had the greatest ornaments bequeathed to it of natural curiosities ever seen before in this kingdom.

Mr. Foster objected to the mode in which the sum of money was to be obtained, for the establishing a physic garden; that the clause alone was not properly worded, that the House would be laid under an obligation to do what had been contrary to their practice; and as he sat in the chair of supply, he called

the attention of the gentlemen of the House to consider warily what they were going to grant, to what expences they were running, and wished they would see both the scheme and plan with the expence, before they granted any thing.

The *Provost* replied, that he hoped his honour and character were so well known to this House, that they had no reason to suspect he was going to lead the country into great and unnecessary expences; and only wished them to give such a sum of money as could be conveniently granted to a purpose which tended to promote the health, agriculture and learning of the kingdom; and that the House, if they did not like the plan, might then dissent; that he only wished it to be upon the plan of Edinburgh, Paris, and other places, for the public service; and while he had only that in view, he hoped that no one would oppose it.

Mr. *Foster* still persisted in his objection against the clause, which led the public into expence, and continued that expence; and though he wished well to any thing to forward the public good, yet he could not meet it under the idea of being a public good, which involved it in what might be found an unnecessary expence.

The *Provost* contended that the expence was only a certain sum of money that might be denied if the plan was disliked, and the expences at any time rescinded by the House.—The clause at length was permitted to remain.

Lord Landaff's private bill from the Lords, received a first reading, and was ordered to be read a second time to-morrow.

Sir *John Blaquiere* moved for an account of the duty on carriages in the kingdom at large, and in the district of the city of Dublin for the last five years, appropriated to the inland navigation.—Ordered.

Hon. Wesley Pole's private bill from the Lords, was read a first time, and ordered to be read a second time to-morrow.

The bill for promulgating the statutes of this kingdom, was read a second time, and committed for to-morrow.

Mr. *Foster* moved for leave to bring in a bill for the more speedy and easy recovery of tythes and dues to the clergy, and for compelling the residence of such as have the cure of souls.—Ordered.

Alderman *Warren* presented a bill for the lighting, watching, cleansing and paving the city of Dublin.

Read a first time, and ordered to be read a second time to-morrow.

He also presented a petition from the founderies to be exempted from the duty on coals.

Mr. *Foster* presented a bill for perpetuating the curacies and other church livings in the care of the archbishops and bishops.

Read a first time, and ordered to be read a second time to-morrow.

Alderman *Warren* presented a petition from the corporation of goldsmiths; praying that a salary of 50*l.* per annum may be appointed for the office of weigher and drawer in the assay office, in the bill now before the House for regulating the standard of this kingdom.

Ordered, That the said petition be referred to the committee of the whole House, appointed to take into consideration a bill to regulate the assay of gold, and promote the manufacture of gold and silver wares in this kingdom.

Read a third time and passed, an engrossed bill for allowing the importation of cinamon, cloves, mace, nutmegs, and other spices, directly from Holland.—Ordered to the Lords by Mr. *Hartley*.

Read a second time, a bill to prevent the privilege of parliament from delaying justice, and for making the same perpetual.—Committed for to-morrow.

Read a third time and passed, an ingrossed bill for an additional duty on hops.—Ordered to the Lords.

The House in a committee, Mr. *Bolton* in the chair.—Went through the bill for regulating the assay of gold, gold lace, and for encouraging the wear of gold and silver lace, &c. The report was ordered to be received to-morrow.

TUESDAY, MARCH 30, 1784.

The House sat in committee on the following bills:

Hon. *Wesley Pole*'s bill.

The bill for more effectual promulgation of statutes.

The bill for establishing a school for physic in the university of Dublin.

After which the House resuming, they were severally ordered to be engrossed.

Bill to punish persons who by riots or otherwise obstruct the transport of corn from one market to another—Cross-road bill—Privilege bill—Bill for licensing hawkers and pedlars, were read a third time, passed, and ordered to the Lords.

Mr. *Burton* informed the House that the select committee appointed to try the merits of the petition of William Smith, of

Archerstown, in the county of Meath, Esq; complaining of an undue election and return for the county of Westmeath, have determined

That Richard Malone, Esq; was not duly elected a knight of the shire to serve in this present parliament for the county of Westmeath.

Also, That Richard Malone, Esq; ought not to have been returned a knight of the shire to serve in this present parliament for the county of Westmeath.

Also, That William Smith, Esq; was duly elected a knight of the shire to serve in this present parliament for the county of Westmeath.

And also, That William Smith, Esq; ought to have been returned a knight of the shire to serve in this present parliament for the county of Westmeath.

The House resolved itself into a committee of ways and means, John Monck Mason, Esq; in the chair.

Sir *John Blaquier* stated to the committee the ruinous situation of the pavements of this city, and the very great danger from thence resulting to all who found themselves under the necessity of passing through this city, in carriages, on horseback, or on foot. He said the present fund of the corporation was inadequate to the purpose of making permanent and substantial pavements; that nothing less than Arklow stone was found sufficient for our principal passages, as was manifest from Effex-bridge, which being finished with that stone, had outlasted every other passage, and was still in perfect good order. That to effect a pavement of Arklow stone, in the principal passages, would require at least 10,000*l.* per annum, which must be raised by new taxes, and would eventually prove a saving to the public, as such a pavement might, when finished, be kept in good repair at one per cent. Though the wretched pavements that at present rendered these streets impassable cost the public two and twenty per cent. to keep them out of repair.

He said that the watching of the city did not properly appertain to the magistrates, and therefore he would not interfere in that department; but lighting, cleansing, and paving, might, with great propriety, be placed in the hands of commissioners, and therefore his bill should embrace the three objects. He had stated, that paving would cost 10,000*l.* lighting and cleansing he now stated at 8,000*l.* making together 18,000*l.* per annum, which he proposed to raise in the following manner:

By a tax of 18*d.* in the pound on every house above 20*l.* value, 1*s.* in the pound on every house from 10*l.* to 20*l.* and 9*d.* in the pound on every house from 10*l.* downwards.

By a tax on coaches and other carriages of luxury.

By 2,300*l.* the sum now paid from the corporation of the city to scavengers, on condition of which they receive tolls.

By turnpike tolls to be taken at gates to be established at all the avenues immediately without the circular-road.

And lastly, by an increase of the present paving tax.

Mr. *Gardiner* approved every part of the plan, except that of applying the produce of the turnpikes to be established, in aid of the paving fund. He said the approaches to the city were in a most shameful state, but that if the Hon. Knight would consent to make an effectual pavement from the turnpike gates into the city, the bill should have his support.

Sir *John Blaquiere* accorded, and

Mr. *Hartley* rose to mark his disapprobation of the whole, as an infringement on the rights of the citizens.

Mr. *Ogle* said, he could not consent to tax the poor country men coming in with provisions, but he had no objection to taxing coaches or carriages of luxury. At his instance carriages of burden were exempted by Sir *John Blaquiere*.

Alderman *Warren* said, that the corporation of the city of Dublin had taken uncommon pains to prepare a bill, which he and his Hon. Colleague had introduced; yet the Hon. Knight was now proceeding as if no such bill existed, and was proposing a number of oppressive taxes, as if they were matters merely indifferent. He begged gentlemen to consider that every turnpike tax would fall on the consumers of provisions, and how well they could bear such a burden he submitted to the House. He also begged gentlemen would recollect that the corporation of the city of Dublin was not the paving corporation. Parliament in their wisdom had some years ago wrested the power from the magistrates, and placed it in hands that instead of keeping the streets in repair, had jobbed away the tax and incurred a debt of 36,000*l.* Parliament had in its wisdom made a further effort, by voting every member of either House a commissioner of paving; but this had produced no better effect than the first. Yet such was the temper and forbearance of the people, that, though they saw their money squandered in idle projects, they now offered to provide for the interest of the enormous debt so wantonly incurred, and every man to pave before his own door at his own expence, under the direction of the magistrates and proper officers. This, he said, was the purport of the bill he had introduced, and nothing more equitable, or less oppressive should, he was convinced, be brought forward.

Sir *John Blaquiere* moved his resolutions relative to the lamp-money.

The committee then adjourned, reported progress, and desired leave to sit again.

WEDNESDAY, MARCH 31, 1784.

The House, according to order, resolved itself into a committee of the whole House, to take into consideration a bill for the more effectual discovery and prosecuting offenders called houghers, and for the support and maintenance of soldiers or other persons houghed, maimed and disabled by such offenders; and after some time spent therein, Mr. Speaker resumed the chair, and the Right Hon. *Theophilus Clements* reported from the committee that they had gone through the bill, and that he was ready to report when this House will be pleased to receive the same.

Ordered, That the said report be received to-morrow morning.

Mr. *Mason*, according to order, reported from the committee of the whole House, appointed to consider further of ways and means for raising the supply granted to his Majesty, the resolutions which the committee had directed him to report to the House, which he read in his place, and after delivered in at the table, where the same were read, and agreed unto by the House, and are as follow :

Resolved, That it is the opinion of this committee, that from the 24th day of June, 1784, to the 24th of June, 1791, there shall be raised, levied, collected and paid the following rate or rates, assessment or assessments, on all lands, houses, warehouses, cellars, vaults and other places within the city of Dublin and the liberties thereunto adjoining, that is to say, on all lands, houses and other places ascertaining to be of the yearly value of 20*l.* and upwards, as they are rated, towards the maintenance of the watch, at the rate of 1*s.* 6*d.* in the pound on all such lands, houses and other places rated at the yearly value of 10*l.* and under 20*l.* at the rate of 1*s.* in the pound, and on all such lands, houses and other places rated at less than 10*l.* at the rate of 9*d.* in the pound, the said rate or assessment to be paid in lieu of the rates at present established in such city and liberties, for the purpose of the lighting thereof.

Resolved, That it is the opinion of this committee, that from and after the 24th day of June, 1784, there shall be raised, collected, levied and paid a further and additional rate or rates, assessment or assessments, on all lands, houses, shops, warehouses, cellars, vaults and tenements within the city of Dublin and liberties thereunto adjoining, at the rate of 6*d.* in the pound yearly, as they are rated, towards the maintenance of the watch, over and above the sums now payable thereout.

Ordered, That leave be given to bring in a bill, pursuant to the said resolutions; and that the Right Hon. Sir John Blaquiére and Mr. *Mason* do prepare and bring in the same.

Mr. *Foster* remarked, that there was an order of the day for Mr. *Grattan* to report the resolutions of the committee appointed to take into consideration the revenue expences; and intimated a wish, that the matter should be brought forward before the House would grow thin.

Mr. *Grattan* stated to the House the very laborious task which those gentlemen who attended the committee for the better collecting the revenue had imposed upon themselves. He said, that through the most indefatigable exertions they had at last brought the business to some conclusion, and that if they were permitted to sit this day, he doubted not, that even so late in the session, they would be able to produce something for the public advantage; he assured the House, that from the very nature of their enquiry, and from the vast and voluminous piles of papers that they had been obliged to inspect, it was impossible for them to have proceeded with more expedition.

At Mr. *Grattan's* instance, the House, in order to make way for the committee, adjourned, and Mr. *Bolton* having taken the chair, the committee immediately sat.

Mr. *Grattan* began with observing, though the interference of a person utterly unconnected with revenue matters, in that department which was so ably administered by the present commissioners, might have somewhat of an invidious aspect, yet he was happy to declare that those gentlemen had not viewed it in that light, but had with the utmost alacrity given him every possible assistance, in promoting the object for which the committee was appointed, and it appeared to him throughout, that they had acted not only honourably and diligently, but with a laudable ambition to distinguish themselves in the faithful discharge of the high trust reposed in them. He therefore desired to be considered, as not imputing the smallest fault or applying the least censure to those gentlemen, while he endeavoured to rectify some errors and abuses, that in a succession of many years, and under different boards, had found way into the revenue establishment. Having said this, in justification of the present commissioners, to whom he declared no blame was imputable,

He proceeded to state the expence of collecting the revenue at two periods, viz. 1758 and 1783.

In 1758, he stated the expence of collecting to have amounted to — — — £81,000

In 1783, it amounted to — — — 180,000

In the latter period, he allowed that — — — 23,000

an expence incurred by the new custom-house was included; but deducting that expence, the expence of collecting amounted to —

157,000

The increase of collecting, he said, did not arise from the increase of articles taxed, or any necessity of adding to the number of officers employed in collecting, as was obvious to any one who would consider that most of the new taxes were only additional duties on articles heretofore taxed; and it was as easy for an officer to receive two shillings as one on any article; therefore that the increase of expence arose from the increase of salaries, he thought might very fairly be presumed.

In the year 1758 the expence of collecting, he said, was about 13 per cent. at present it is 16.

The revenue expences are divided into two classes—the establishment and the incidents.

In 1758, the establishment was	—	£. 58,000
In 1783,	— — —	92,000
In 1758, the incidents were	— —	17,000
In 1783,	— —	79,000

The per centage for a course of years fluctuated from ten to fourteen; at present it is sixteen; so that the expence of collecting the revenue is not increased by the increase of the revenue itself, but by the increase of the per centage.

I have now, Sir, continued he, shewn you the facts, but not their causes; in order to come at their causes, I moved that an account should be laid before the committee of all the additions that had been made to the revenue establishments since 1758, stating the causes of such additions, and the authority by which they were made; this account was made out, it employed several clerks for several weeks, and indeed so very voluminous, that I own I have not yet had time to look through it; I do not therefore condemn nor approve what may there be found; when the committee examines, they will be the best judges; they will, I believe, see much to reform; and I am convinced from the candour of the commissioners, which I have already experienced, they will have their assistance.

I find that there exists a charity fund for superannuated officers, such as have served forty years without censure: this fund is supplied by a stoppage of six-pence in the pound of all salaries, and the superannuated officer receives out of it 3-5ths of his salary. When this fund has been found insufficient, from the increased number of revenue officers, pensions have been granted on the incidents, in order to make it out. The progress is natural, from private charity to public bounty, and from public bounty to abuse. Every man who is tired of doing his duty, or who is unable or unwilling to do it, if he can make interest with government, gets an order to the commissioners, and is immediately put on the revenue incidents, from which he in fact receives a pension; not an open, but a masked pension. I do not speak of the present administration, or the present commissioners—This abuse has been

growing five and twenty years ; the present is the proper time to check it.

I find that the number of pensions on the incidents are 343—I have made observations on almost all of them, but I will not go through the painful task of animadverting on them now, as my object is to prevent future abuses, not to disturb the present possessors : I must, however, remark, that having served forty years, has not always been deemed a necessary title to a pension ; thirty-eight years, thirty-five years, twenty-nine years, twenty-two years, and sometimes the words *long service*, have been deemed sufficient.

Great impotunity, I know, will at last prevail over men ; and however the commissioners may determine to act with rigorous attention, and to grant no pensions but to men who have served the necessary period of forty years, yet still they will be fortified in their determination by a resolution of this House ; besides there are many offices in the revenue that may be performed by men who are become unfit for the more active and laborious duties ; and by putting such men into those easy offices, the necessity of pensions may in a great measure be obviated.

The orders of government have sometimes issued to place persons on the revenue incidents, without any reference to the commissioners, or any reason being assigned to entitle the pensioner to such. This kind of procedure carries its own censure along with it. Government would not issue a peremptory order, if any reasons could be found for granting such pensions. This is, I think, a very great hardship on the commissioners, who often resisted, but resisted in vain. Where men are responsible, they should have power ; and what they have not power to controul, they should not be answerable for.

To remedy this abuse, and to fortify the commissioners, I will propose a resolution, “ That no person shall be entitled to receive a pension on the revenue incidents, who has not served forty years without censure, or who has not been so wounded or hurt in discharge of his duty, as to be rendered totally unfit for service ; or who is not the widow of some officer that has lost his life in the revenue service.”

I find, Sir, that there have been granted several additional salaries, which have been continued to the successors of the grantee :—This practice I would abolish, as nothing would be more absurd, than to reward John for the services performed by Tom.

Some expence has also been incurred by the experimental offices :—These cannot be abolished, but may be limited to two years.

I come now to useless officers, whose employments I think, ought to be abolished as they fall in ; though it would be cruel to

turn the present possessors adrift, as they have no other means of living.

And first, land carriage officers. These appear to be of very little use, and from the nature of their duty cannot well be moved into any other situation. It is impossible for them to perform any considerable service, except by searching all persons coming in or going out of the city; and this would be a breach of law, and an high infringement of the subject's liberty.

I desired to know the amount of salaries paid to this class of men for ten years last past, and find that it amounts to 12,000*l.* the seizures made by them in the same space of time amount to 1000*l.* Their usefulness may be estimated from those circumstances.

Coast officers are of as little use as land carriage officers, and with them ought to be abolished.

I sent for a paper to inform myself concerning hearth-money officers. I find that since the year 1760, the hearth-money has increased 10,000*l.* per annum, and that the expence of collecting it, has increased one-third; the revenue of hearth-money has increased one-sixth, and the expence of collecting it one-third:—this is in a great measure owing to the creation of new collectors. I enquired into the necessity of that creation, and was informed that it arose from the great extent of some of the former districts; a single collector being formerly obliged to collect in a range often of from thirty to forty miles. Yet I do not find that any great increase of the hearth-money took place directly after the creation of additional collectors; and the 10,000*l.* a year, which I have stated may, I think, rather be supposed to arise from the increase of houses in 24 years, than from the increase of hearth-money collectors.

Hearth-money supervisors appear to me very useless officers, and may be put down; but this I submit to the commissioners; at present I do not mean to take any further notice either of them or coast officers.

The law expences incurred by the revenue every year are already enormously great, and ought to be reduced; I speak freely on this head, because I know that the present law servants of the crown are too independent of fortune and principle, to regard any vails of this sort.

The number of bills passed each session have increased, and the sessions being in future annual, must also multiply expence; this is therefore a subject worthy of enquiry: I do not mean to move any thing on it at present, but shall just mention that within a very short space, the law expences have amounted to 11,000*l.*

Revenue cruisers have been another subject of very great expence.

The seizures made by these vessels amount to 40,000*l.*

The expence of their establishment to 140,000*l*. Till of late there has been one great error in the mode of conducting of these vessels, which is now rectified by the commissioners. The error was this: the captain of each cruizer was permitted to supply his own crew with provisions, for which he made a charge against the revenue. Now it is manifest, that this made it his interest to have nominally a large crew, but actually a small one. That it was his interest to stay on shore, where his men being at liberty to provide for themselves, while he charged their daily allowance; and that he never could want a pretence to stay on shore; and while he was always at liberty to have his vessel under repair, to enlarge her from time to time, always enlarging his crew in proportion; this was indeed, a most happy invention to reward men for not doing their duty; and this I am happy to see abolished.

The next abuse that I shall state is, the absence of collectors from their districts.

The collector is an officer of very great consequence, and the true performance of his duty would be of high advantage to the public. In his district he has all the authority of a commissioner; he should regulate all the officers under him; and yet so far are many collectors from doing this, that they scarce ever see the place of their collection, but leave the duty to be done by a clerk, whom the law does not recognize, and who is not answerable to the board for his conduct; he gives no security to the public; and not unfrequently have great sums been lost by trusting to such men? One of my resolutions, therefore, goes to compel the residence of collectors.

Another regulation that I think would much promote the due collection of the revenue is, the raising of officers from the lower to the higher departments in succession; I do not mean an indiscriminate succession by seniority, but that in every department of the revenue, as at present in the excise, men acquainted with the business should rise by successive degrees, and that he who has been checked, should check in his turn.

The surveyors-general have two salaries, one a fixed salary of 300*l*. a year on the establishment, the other 200*l*. on the incidents. I would wish to have this altered, and that they should be paid a premium of a certain sum per day, while they were in the performance of their duty.

I come now to the last article, though I mean first to move upon it, because gentlemen who coincide with me on most of the other points which I have mentioned, differ upon this.

The custom-officers—they were originally effective officers, but when the revenue was formed, they were rendered useless, and therefore we now find them on our civil establishment; after-

terwards, when the crown took the revenue into its own hands, it was thought prudent to employ in the collection the persons that had been employed by the farmers; the custom officers continued useless, notwithstanding this additional salaries have been granted to them, which are in fact masked pensions. I know while I speak on this subject, I stand on delicate ground; but with what face could I propose a reduction of petty officers, and leave those great ones remaining? The greatness of the persons who possess them are my best apology, for while their talents and fortune render them fit for the highest departments in the state, I trust their magnanimity will teach them to despise the paltry emoluments of custom offices. I would not venture to speak thus to inferior minds, but as I have had the aid of some of those gentlemen in the other parts of the reform I have proposed, I doubt not they will assist me, even where they are themselves in some degree affected.

I have called those additional salaries, masked pensions; they are so indeed, and of the most exceptionable kind. There are not, indeed, above seven or eight of them in the kingdom, but they may increase, and this is the time to stop them; I have therefore prepared a resolution for that purpose, which will not affect the present possessors, but eventually will prove highly advantageous to the nation.

Mr. Grattan then moved his resolution, "To prevent the grant of any future additional salary to custom officers."

Right Honourable *John Beresford*—I was very happy, Sir, when the Right Honourable Gentleman undertook the task of enquiring into the cause of the great expence of collecting the revenue, because I was very certain, that an enquiry, ably and impartially conducted, would fully evince to the public, that the assertions which have been so liberally made for some years past, and the insinuations which have been thrown out, of the prodigality and profusion of the present board of commissioners of the revenue, were without any sort of foundation. I therefore took the liberty of seconding the Right Honourable Gentleman's motion for this enquiry, and I am now, not a little proud, to find that a four months laborious examination has confirmed my constant assertions, and overturned the several charges laid to the door of the revenue board; the Right Honourable Gentleman has fully acquitted them; but has stated some errors and abuses, which appear to him to have crept into the revenue establishment, in a succession of many years, which he wishes to be rectified.

He has stated, that since the year 1758, the per centage expence of collecting the revenue has greatly increased.

If the Right Honourable Gentleman will take the trouble of examining that voluminous heap of papers, (custom house accounts, and reports, which Mr. Grattan had called for) he will find, that he has chosen an unfair æra for his comparison, for that immediately after the period of 1758, at which time there had been a parliamentary enquiry into the management of the revenue, there was not only a general increase of the number of tidewaiters, and boatmen in the several ports of the kingdom, but that an addition was made to their salaries, whereby there was an increase to the establishment of about 10,000*l.* a year.

The Right Hon. Gentleman will also see that since the Isle of Man was ceded to the crown of Great Britain, the whole system of preventing smuggling has necessarily undergone a total change, and a change attended with a great additional expence; before that period our cruisers consisted of small open wherries, which were sufficient to guard our coasts against smugglers, who carried on their trade in the same sort of vessels; but since, by the cession of the Isle of Man, the smugglers have been driven to Dunkirk, Gottenburg and other distant ports, and of course have been obliged to increase the size of the shipping. We have been obliged to follow them, step by step, until we have got to stout cruisers, fitted out with from 12 to 20 pieces of cannon, and well furnished with ammunition, and manned with an adequate number of seamen. Such an alteration in our naval establishment, every gentleman must see, was necessarily attended with a very great additional expence.

The law expences of the revenue have also increased exceedingly, and particularly that part of them which arises from the business of drawing bills for this House.—Formerly there were but three bills to be paid for, the great money-bill, as it is called, the loan-bill, and the revenue-bill; of late years, the enlargement of our trade has necessarily caused many bills every session, which amount to an enormous expence.

The business of the commissioners of the revenue is infinitely increased, inasmuch that instead of meeting at eleven o'clock, and adjourning at two, we are obliged to meet at half past ten, and sit until four, and often until five o'clock; the increase of business of course is attended with an increase of expence.

The Right Hon. Gentleman has said, that the per centage of the collection has varied very considerably since the year 1758, from 12 to 16 per cent. The nature of incidental expences is variable, they cannot be otherwise; but the high per centage of one year is not a proof of an increased establishment:—For instance, the highest per centage, I remember, was in the year 1781; when the collection came to 18 per cent. in 1782, it cost but 16; and yet the actual sum expended in the latter year was higher than that of the former, although the per centage was less,

for the per centage does not depend solely upon the number of officers, or their salaries, but upon the proportion which the expence bears to the sum collected; and therefore because in the year 1781, the revenue was very low, and the sum collected small, the per centage amounted to 18 per cent. whereas in the following year, when the sum collected was larger, the per centage was but 16, although the expence of collection was higher than the year before. Let the expence of collection be the same in two given years, and let the sum collected in one of them be double that of the other, and the per centage will be but half as much in that year.

It has been the fashion for several years to judge of the expence of collecting our revenue, by comparing it with the collection of the customs and excise in England. Nothing can be fairer than such a comparison, because every part of England where officers are stationed is productive, every port brings in revenue to the public, and the excise is universally productive: But what is the case in Ireland? Perhaps gentlemen will be surpris'd to hear that out of twenty-five ports there are but seven which pay the expence of collecting, although the necessity of a revenue establishment in the other nineteen is a fact too manifest to require the aid of argument.

I shall, however, to open gentlemen's eyes, just state to the House a few instances:—Cork and Limerick are two of the productive ports; between them lie Kinsale, Baltimore, and Tralee or Dingle, ports which do not go near to pay the expence of their own establishments; the collection of Kinsale costs 139 per cent. that of Dingle 1977, and that of Baltimore 2300 per cent. but if these ports even were left unguarded, very little indeed would be collected at Cork or Limerick, the smugglers would soon find an easy way of supplying these two great cities from the inferior ports.

If any man has a mind to judge fairly of the collection of the revenue, let him not go to ports which have no trade which cannot pay their own establishment, but let him look at the productive ports; in Dublin, where the expence is the heaviest, both in the incidental and established expences, because the greatest part of the law expence is incurred there, and most of the repairs and building of boats and vessels is executed there, and on account of the great weight of the new custom-house expence, and because the salaries of the commissioners and all the principal and cheque officers are paid there, the per centage amounts to 16 per cent.—in Limerick it is but 14, in Belfast but 9, in Londonderry but 8, in Waterford but $7\frac{1}{2}$, in Cork but 6.

Instead of comparing Ireland with England, it would be more just to compare her with Scotland, in point of revenue collection, because that her situation and circumstances are more similar to

ours. If this be done, it will be found that the per centage in Scotland amounts to 33 per cent.

But if gentlemen will compare this country with England, they should, I insist upon it, only take the net revenue of England into the account, for the circumstances of England and Ireland are very different indeed in point of importation;—the former imports not only for her own consumption, but for that of the whole world; the latter for her own consumption only. England has her colonies in Asia, Africa and America, and she brings home the produce of all these colonies to her own ports, where they pay a great duty at import; but as these goods are not for her consumption only, but to be exported again to other countries, and not only to draw back these duties so paid, but to receive a bounty possibly on the exportation, the real duty returned, that is, the duty on their own consumption, is all that can fairly be compared with the duties of a country which has no colonies, and which imports only for her own use.

Gentlemen who have chosen to compare our collection with that of England, have asserted, that our's cost 14 per cent. when the customs of England cost but 7. Now, in making this calculation, gentlemen have taken the meer salaries and incidents as they appear upon the face of the highest custom-house accounts, and have omitted many expences, particularly those of the revenue cruisers, and the admiralty cruisers employed in the revenue service, the expence of which they will find in the late report of the committee appointed to enquire into the state of smuggling, &c. in England.—If they take these into the account, they will find it to stand thus:—

The gross revenue of customs is in England - £.3,873,985

Expence of collection, as stated in custom-house accounts - - -

281,209

To which add the revenue cruisers - -

42,845

Admiralty cruisers in revenue service - -

220,220

£. 544,274

This will be found to be as 100 are to 14, or 14 per cent. upon the gross—But if you calculate upon the net revenue, you will find it as 100 are to 21, or 21 per cent: and in this calculation the expences attending law are not included, which must be very heavy, as all suits are carried on in the Exchequer. So that take this matter in any light, and the statement and assertions of gentlemen will be found to be erroneous.

In 1774, after the union of the boards, this change of our establishment was 5000*l.* greater than it was last year; a sure proof that the present commissioners have not been wanting in their endeavours to reduce them.

The incidents, I acknowledge, are very great; but deduct 23,000*l.* the expence incurred by the new custom-house, and they are brought into a more moderate compass.—We are still endeavouring to cut them down further, and if any gentleman will point out a single article in that account of incidents, now lying on your table, where a saving can be made, I shall be ready hereafter to suffer any censure the House can devise, if such saving be not made.

The next objects taken notice of by the Right Honourable Gentlemen are, the salaries of the superannuated officers. These salaries arise from two funds, one is a subscription amongst the officers themselves, from which every man who has been a subscriber for seven years is entitled to an annuity proportioned to his rate of subscription. The Right Honourable Gentleman will see that this is the private property of the officers themselves, purchased with their own money, and over which parliament can have no controul.

The other fund is the common incidents.—As to the pensions granted on this, I confess I agree with the Right Honourable Gentleman that many of them are very great abuses. Of late, it is grown a fashion for men to get out upon their full salaries: most people would rather be paid for doing nothing, than for doing something. For my own part, I should like it very well myself; but at the same time I know that while I am able to do my duty I ought to be compelled to do it. I agree with the Right Honourable Gentleman, as to the period of service which should entitle a man to be superannuated on his full salary: forty years was fixed by Sir William Osborne, when first I went into the revenue, but soon after that rule was broken through, and men of all standings allowed to enjoy their otium. However, I must say that if the board had not frequently remonstrated with government against this practice, the number on the list would have been double at this day. If there are now upon it 343 numbers, as the Right Honourable Gentleman has stated, many of them are widows, who were put upon it by the humanity of Lord Buckingham; during his administration the widows fund failed, and if he had not been graciously pleased to interfere for their relief, these poor people must have starved.

The Right Honourable Gentleman seems to think land-carriage officers useless, but I can assure him they are a very necessary set of men.—Their duty is to watch the avenues of great cities, and see that all exciseable goods have permits; and the very reason why they do not make seizures is, because their vigilance is known to be so great, that smugglers will not run the risk of bringing their goods past them. However, if land-carriage officers make few seizures, it is amply compensated by another set of men, who have no salaries at all, but what arise from a fund created by them.

selves—the preventive officers: These men have made very considerable seizures indeed.

Mr. *Beresford* then proceeded to the hearth-money; pointed out the abuses that had obtained in that department, and the remedies that had been applied; from which he went on to the article of revenue cruizers, agreeing with Mr. Grattan in what he had said concerning them: He also agreed with him as to the necessity of collectors residing within their districts, and as to the propriety of deserving officers being promoted in succession, and the mode proposed of paying surveyors general: In a word, he agreed with the whole of Mr. Grattan's plan of regulation, save only as to custom officers, who, he said, were officers by the common law, were absolutely necessary, and ought not to be abolished.

Mr. Secretary *Hamilton* explained more fully the duty of custom officers, who are the only persons that can administer an oath, take bond, grant cockets, or in a word, do the long-room business.

Mr. *Prime Serjeant*.—The Right Honourable Gentleman has stated a very alarming sum indeed, as incurred by law expences; but I must explain that business.

If unfortunately two or three suits have been determined against the crown; if damages to the amount of 5000*l.* or 6000*l.* have in such suits been awarded; these sums will go a great way in making up that large one which has been stated by the Right Honourable Gentleman again. If the number of acts which the law servants of the crown are obliged every session to prepare, have of late been doubled, though each of them costs no more than a private act of parliament, can it be supposed that the expence will not increase? And I know of no expedient to stop it, except it be to unite three or four bills in one.

I would not have it imagined that the law officers of the crown have raised their fees, they have not; my directions to the crown solicitor have been, to charge the same fees that were established twenty years ago, when Mr. Tisdal came into office, and I am certain he always has adhered to those directions.

I have been now fourteen years a law officer to the crown, and I do most solemnly declare, that during that time I never was employed in any cause on behalf of the crown, that I should not have been much better paid, had I been employed in the same cause on behalf of the subject.

The *Attorney General*.—I object to this resolution as an attack on the legal prerogative of the crown, and as a censure upon the exercise of that prerogative. The Right Honourable Gentleman knows that by common law the crown can appoint those officers; he knows that they are recognized by the act of customs, and that the act of customs authorizes even the Lord Lieutenant and coun-

cil to establish them, and grant additional salaries where they shall think necessary. The Right Honourable Gentleman seems to allow that there has not been any abuse of this power, but thinks hereafter there may, and that masqued pensions may thus be granted.—If there had been any abuse, I am convinced that the Right Honourable Gentleman would be ready to fix a proper censure on it, and if there shall hereafter, this House will not let it pass unnoticed; but at present it is confessed, that there is no cause for the Commons to interfere, or by a general resolution inhibit the exercise of the legal prerogative of the crown. It would be absurd to forbid the crown to grant what law authorizes; or for us to set up a general resolution of one estate of parliament, against the law of the land.

As to the law expences of the crown, I must say, that the salaries of its officers are not very enormous; till within these few minutes I did not know what the annual amount of mine is, I find it is from seventy to eighty pounds; but I assure the House, that when I had the honour of being placed in my present station, the idea of emolument never entered my head: From the little experience I have had, I perceive the business is the most laborious that can be conceived; and I declare that I would not submit to the drudgery of it, was I to receive ten times the sum from the subject, who indeed always pays lawyers much more liberally than they are paid by the crown.

Mr. *Mason* said, after having had a committee appointed to prepare a plan for the better collecting of the revenue, after investigating the subject with great ability, and after having, with much candour, acknowledged that the commissioners had acted to the best of the powers vested in them, the Right Hon. Gentleman now produces his first resolution, which has nothing to say to the collecting of the revenue at all.

The subject has been so fully and so ably handled by my Right Honourable Friend, that I shall detain the House only to make one observation. It is acknowledged that the crown has not abused its power; but if any abuse had prevailed in granting additional salaries to custom-house officers, it would have been right to point out that particular abuse, and to remonstrate against it; but it never can be right to set up a vote of the Commons in the face of legal prerogative, and against the law of the land.

Sir *Lucius O'Brien*.—I confess myself extremely mortified and disappointed, when I find that all the sagacity of the Right Hon. Gentleman is not sufficient to point out any effectual savings in the revenue, by which the income of this country may be equalized to her expence. In the beginning of this session, when it was proposed to effect that necessary end, by a reduction of the military establishment, the Right Honourable Gentleman opposed

the motion, and said that great savings might be made in the revenue. It now appears that very little, if any, can, for the gentlemen who preside at that board have left him very little to do in the way of reform. I think too much praise cannot be given to those gentlemen; I myself have been a witness of the exertions made by one of them, who in person undertook a tour through a great part of the kingdom, to rectify abuses in the collection of the revenue. In the county that I had the honour to represent, I know he did put down two riding officers that he deemed unnecessary; and I have good reason to suppose that he acted with the same justice to the public throughout.

But though the resolutions proposed by the Right Honourable Gentleman do not go so far as I could wish, yet as they do something towards retrenchment, I think the committee ought to pass them; nor can I see any impropriety in parliament interfering in the management of the customs, which were by parliament granted to the crown for the purpose of enabling it to guard the seas. It has never been thought improper for parliament to oppose open pensions; why then should it be thought improper for parliament to oppose the granting away of money destined for another purpose, in masked pensions? And though we do not find that the crown has stretched this prerogative to any great length, yet still the nation may claim a reversionary saving when these salaries shall fall in by the death of the present possessors.

Mr. *Beresford* said, that the duty of coast officers was to ride along the shore daily, to observe, and to give notice of the approach of shipping; by which means, if they did their duty, (and he knew no use in any officer who did not do his duty) they became the most useful informers in the kingdom. As to the persons mentioned by the Right Honourable Baronet as being displaced by him, they were reduced on the lists of their salary; and the reason was, that, though they were called coast officers, in the whole course of their ride, which was through bye roads and narrow lanes, there was not one single view of the sea.

Sir *Lucius* said, he had not mentioned the circumstance for any other purpose than to do honour to the commissioner, who in that instance had shewn, that he was ready to make retrenchment wherever retrenchment could be made. He was also happy to declare, that all the regulations now offered, except the first, had the concurrence and assistance of the Right Honourable Gentleman.

Mr. *Grattan* replied to all that had been said, and Mr. *Beresford* entered into further explanation; but nothing new was offered.

Mr. *Grattan's* first resolution, viz. for restraining the prerogative in granting salaries to custom-house officers, was negatived

without a division. All the others being only as matters of regulation, passed unanimously.

THURSDAY, APRIL 1, 1784.

A message from the Lords, that their lordships, with some amendments, had agreed to several bills.

Mr. *Foster* moved, that the committee on the bill for the better securing leases made by arch-bishops and bishops, should receive a clause relative to church-wardens.—Committee empowered accordingly.

Mr. *Holmes* moved the order of the day for going into a committee on the bill for regulating the jails.

The House accordingly resolved itself into a committee, Mr. *Holmes* in the chair.

The bill was read through, clause by clause, and as soon as the Speaker had taken the chair, reported by Mr. *Holmes*.

Lord *Delvin* moved, that the insolvent bill should be read a third time.

The Speaker objected, as some gentlemen who meant to oppose it, were absent.

Lord *Delvin* thought it hard that the bill should be postponed, because gentlemen were absent, since they ought to be present.

After some conversation, the bill was read a third time.

A petition was presented of Lord Clanbrassil and Mr. M^cCartney, against the Attorney General's bill, for the better securing the properties of suitors in the Courts of Chancery and Exchequer, as transferring the sums at present lodged in their hands, to the bank of Ireland, would be prejudicial to their interests.

Right Honourable *John Ponsoby* moved an address of the House to his Grace the Lord Lieutenant, to signify to his Majesty the humble request of this House, that 5000*l.* be granted to aid the protestant charter schools of this kingdom.

Mr. *Foster* opposed it, as there had been too many grants of the kind made this session.

The *Provoost* said, he was not against the address, but was inclined to think that such grants were not well applied. He said that when Mr. Howard was in this kingdom, after he had taken a circuit throughout the Charter Schools thereof, he had a conversation with that gentleman, whence he grounded his suspicion; and concluded, by declaring, that if no other member of the House took up the subject, he would the next session

of parliament, move for an enquiry to be made into the state of the protestant charter schools of this kingdom.

Mr. *Consonby* said, he saw no reason why such an enquiry may not come on this session, and was of opinion that no misapplication of the funds appropriated to that institution, could be discovered.

Sir *Lucius O'Brien* said, that he was a member of that society for twenty-three years, and never perceived greater economy in any body of men; that if any cause of complaint existed, it arose from the inadequate situation of the funds, which now occasioned this address.—As to Mr. Howard's report, his ideas of such schools in England, he said, must have led him to pass any censure on the institution here. In England there is 16*l.* per annum, for each individual in such schools; whereas here there is allowed but 2½*d.* per day, for each, and 2*5s.* at the year's end, for cloaths.

That the calamity of the times occasioned the number to be multiplied in such schools, and the fund for that institution being low, they had no other resource but in the humanity of parliament.

The address passed.—To be taken into the consideration of a committee of the whole House to-morrow.

Sir *John Blaquiére* rose and said, that finding his mode of raising a fund for his police bill disagreeable; the tolls and customs being so to one party of the House, the turnpike gateage to another, unless the constant repairs of the leading avenues to the city were undertaken, which could not be done; and the other cess he proposed, he said, was so inadequate to his purpose, that he would decline pressing his measure on the House any further.

The House resolved itself into a committee, on the bill for appointing inspectors of linen yarn in the several counties of this kingdom. Mr. Bolton in the chair.

On reading the clause for ascertaining the salary of a chamberlain to the linen-hall;

The *Provost* arose, and expressed his disapprobation of the clause, judging it severe to curtail the salary of a worthy officer, an officer of tried integrity and experience for a series of years, whose diligence in his station deserved rather reward and encouragement; who dedicated his whole time and attention to regulate and adjust, not only the departments of his duty, but even devoted his after hours to the management and accommodating of the hall; and could not therefore accede to any measure that lessened the salary of so deserving an officer.

Mr. *Foster* stating his reason for limiting his salary to a certain sum, said, that as chamberlain of the hall, he had the disposal of all the rooms at discretion; that to put such a discretionary pow-

er above the reach of temptation, to receive gratuities for a preference of any particular person, to the choice of a room, was his object. That the salary annexed formerly to the office, was but 90*l.* a year, which, on application to the Board of Trustees, was augmented to 100*l.* for the consideration then stated by the present officer. That for the reason above assigned, the salary in this bill was further augmented to the sum of 200*l.* which, with a good house, free from rent, rates, and taxes, he thought competent for any chamberlain of the hall, let his merit be ever so great, and which merit he admitted to be possessed by the present officer.

The *Provost* said he did not dispute the competency of salary in one case, but contended that it was not proportionate to other emoluments from which the chamberlain was precluded by this clause: That in his department that officer was permitted, even by consent of the board, to accept unsolicited donations, which though voluntarily given, would annually exceed the present stipulated salary; therefore considered it an injury to prevent, by this clause, such voluntary donations. That there were gentlemen at the bar, waiting to attest that the present officer never solicited any such donation; and every dealer that resorted to the hall, were loud in their approbation of his conduct.

Mr. *Foster* replied, that those donations were the very evil he wanted to remedy. Could any man say, that an institution supported by public grants, and intended as an invitation for linen manufacturers to resort for sale of their linens, free of expence—could any gentleman say, that such an institution was not perverted, when an officer was permitted to receive donations (he would have said rent) for granting a preference of rooms? He would allow every merit to the present officer, but he could not answer for the conduct of the future, and concluded with remarking an instance, wherein five guineas were given by one person, as a voluntary donation.

The *Provost* observed, that the present officer was not only faithful, but exclusive of discharging his duty with integrity, negotiated bills for the several linen dealers; in recompence for which trouble, he admitted, that a person not considering him for some years, might bestow on him such a sum together. That he received no gratuity without having the sanction of a consent from the board of trustees. He then wanted to have the witnesses at the bar examined.

After which Sir *Lucius O'Brien* spoke for the clause; and Captain *Burgh*, and Mr. *Hartley* against it, when it was agreed to report some progress, and beg leave to sit again.—Agreed to.

FRIDAY, APRIL 2, 1784.

The order of the day for receiving the report of the committee on the manufactures, being read,

Mr. *Gardiner* said—It is not my fault that this business lies under an additional disadvantage, from the late part of the sessions in which it is introduced—It is in the recollection of gentlemen, that no endeavours of mine were wanting to bring it in on an earlier day. I must confess this an arduous business, and far exceeding my strength; but I hope and request the assistance of gentlemen of greater talents than I possess.—I only furnish the raw materials, let them erect the superstructure.

I shall, Sir, first state the purport of my propositions.—This is a measure to restrain importation, but does not affect the exportation of raw materials. Gentlemen would have the evidence on that head also included in the report of the committee, but one had no connexion with the other. The committee was ordered to enquire into the state of manufactures at large, but they did it partially; they confined themselves to the woollen branch, to blankets, carpets, hats, &c. My system is not confined to these objects only, but also includes paper, hardware, and other articles. The weaving branch is certainly a very material branch of commerce, but other objects also have their weight.

Here Mr. *Gardiner* obviated many objections which he said had been made to his measure. It is not, said he, calculated to divide, but to unite the two countries. The people of England will think it no cause of enmity with us, that we follow their example. She adopted protecting duties, because she thought it her interest—let us act the same part—what's good for one, must be good for the other.

The measure is no opposition to government. I never made it my business to introduce any thing for the purpose of embarrassing government. On the contrary, I thought it my duty to support them when right.—I think it also my duty to admonish them of their error when wrong. Government ought to be informed of the grievances of the people.

This measure has not been brought forward irregularly—It is grounded on the report of a committee, and the petitions of the people. I confess, Sir, I am strongly biased in its favour.—The despondency and distress of this country, together with the justice and expediency of the measure itself, must make every gentleman its friend. Who can behold so many thousands of his fellow-creatures struggling with calamities, almost insupportable by humanity, and not incline to give relief? The misfortune is not particular—it is universal—not confined to Dublin, it extends to Cork, Limerick, Waterford, the Queen's County, and every part of the kingdom where the woollen manufacture is car-

ried on—Not limited to even the woollen, but affecting every infant manufacture in this country.

With respect to the poverty and wretchedness of this miserable description of our fellow-creatures, I think it unnecessary to use a single word. Gentlemen cannot but know the reality of this fact already; it is impossible to go through the streets without meeting testimonies that this assertion is but too well founded. If, however, gentlemen chuse to dispute a thing so self-evident, I am ready to produce witnesses of character at your bar, to put it beyond dispute.

If gentlemen wish to judge fairly, it is right to wave theory and speculation, and confine their attention to the different effects of the different modes adopted in Great Britain and Ireland.—They will perceive that the long depression of this country is owing to her want of protection for her trade. In England, to what is owing the great degree of power and wealth she has attained, but to protecting duties?

Now, Sir, I shall enter on the main part of the business, and let me entreat gentlemen to be free from prejudice, to divest themselves of every bias. I do not mean to proceed on speculation, but to reason from facts, and the ties of policy of the two kingdoms. England has flourished from adopting protecting duties, and Ireland has sunk by a neglect of them. Woollens were always the staple commodity of this country as well as of England. It was so far back as Edward III. in whose reign acts of parliament were passed, in which we find clauses for protecting the trade of Ireland. At every period before 1698, we enjoyed every advantage of a free country: We had nothing then to contend with, as no jealousy existed in the breast of England before the last-mentioned period. Our trade was guaranteed by Magna Charta; our exports acknowledged by that venerable statute—no treaty was made in which we were not nominally or virtually included. Antecedent to the year 1689, our exports were double our imports, and the number of shipping almost doubled in the ten preceding years. At that period the balance of trade was exceedingly in favour of Ireland, being no less than 224,000*l.* a year. If we consider the difficulties this country laboured under in those days, and the comparative value of money then and now, this will be found an enormous balance. When Ireland exhibited nothing but a continued scene of disturbance, disunion, tumult, and frequently of civil wars within herself, to what are we to attribute her advantages in commerce but to her protecting duties, her geographical situation, and industry?

When William III. came to the throne of these kingdoms, he laid several unjust and pernicious restrictions on the trade of Ireland, in order to gratify England, which began to grow jealous of our prosperity; in other respects he may have served

this kingdom; he may have been wise and good; but certainly these unjust and destructive restrictions, together with other partialities, manifested by him against us on all occasions, are more than a counterpoise to every good he has done this country.

The first stab given in his reign to our rising trade was in 1698, when a corrupt majority in this House laid a duty on cloths exported to England. Some spirited and patriotic members standing up to oppose this measure, it was defended on the ground of being an experiment, and that it would continue only for three years, but was in the year following made perpetual. Let us mark the consequences.—The manufacturers, no longer able to find subsistence at home, emigrated, where they were received with open arms. The French, notwithstanding every exertion, had been unable to establish the woollen manufactures, until they procured Irish wool to mix with their own, and Irishmen to weave it. They then, conscious of the advantages of protecting their trade, laid additional duties on the importation of English cloths. The event soon confirmed with what propriety they adopted these protecting duties; they in a short time manufactured enough for the home market, and by raising from time to time, the protecting duties, at length to a prohibition, are enabled not only to rival Great Britain, but to undersell her in every market in Europe.

Before the last mentioned reign, it was as usual to recommend from the throne, at the opening of every session, the woollen manufacture, to the consideration of parliament, as of late it has been to recommend the linen manufacture, or any other branch of trade.—Our journals, Sir, are full of such recommendations.

Another argument in favour of this proposition can be drawn from the great benefits this country derived, from a power obtained by James, Duke of Ormond, of prohibiting the importation of Scotch manufactures. The protection was obtained against Scotland, and not England, because we were not then afraid of the latter. The utility of this duty was so great, as to give in our favour a balance, notwithstanding the pernicious effects of the plantation laws, and the other unfair restrictions of King William's reign, on our trade. Have not we, therefore, a right to expect the same salutary consequences from the adoption of a like measure now?

Let no man say that England is so insensible of her own interest as to be averse to this measure. England, from unhappy experience, is convinced of the pernicious effects of her impolicy. The emigration of the Irish manufacturers in the reign of King William, is not the only instance that has taught that nation the ruinous effects of restrictive laws. Our own remembrance has furnished a sad instance of the truth of this assertion—furnished it

in the American war. America was lost by Irish emigrants.—These emigrations are fresh in the recollection of every gentleman in this House; and when the unhappy differences took place, I am assured, from the best authority, the major part of the American army was composed of Irish; and that the Irish language, was as commonly spoken in the American ranks as English. I am also informed, it was their valour determined the contest; so that England not only lost a principal protection of her woollen-trade in Europe, but also had America detached from her by force of Irish emigrants.

Mr. *Gardiner*, after dwelling some time on the pernicious effects of the act of William III. shewed by what progress importations had arisen, from an average sum of 14,000*l.* to the enormous sum of 836,000*l.* in the year 1778.

In 1779, this country, no longer able to support the pernicious effects of the oppressions under which she laboured, undertook a great measure. We spoke out, and demanded a free trade.—It is but justice to gentlemen, it is but justice to the nation, that they were unanimous and persevered. England acted wisely and justly on the occasion, and restored us our right. But of what use will this free trade be—will it be any thing but a name, if we do not seize the advantages of it by promoting it? It is impossible to do so, unless we have an opportunity of supplying our home consumption, and exporting the redundancy. It is impossible to undersell other nations in foreign markets, if undersold in our own. While our ports are open to the exportation of raw materials, and the importation of British manufactures, can we expect to reap any benefit from the extension of our commerce? Let us turn our thoughts to the article of cotton, and we shall find great quantities imported, and not a single yard exported. The very same might be affirmed of many other manufactures.

England, so early as the reign of Edward III. perceived the necessity of protecting her woollens. When a law was enacted to prevent wearing foreign manufactures: with respect to Ireland, however, she was not then considered as coming under the denomination of foreign. The habits of intimacy and connexion between the two countries, prevented England from excluding Ireland, when she excluded the rest of the world. Here are two points proved, the adoption of protecting duties, and that we were not considered a foreign nation with respect to England.—But the manufactures of England were then in a progressive state, and it appears that the home market was then the principal object in imposing a duty on the importation of woollens. In the same reign it must be admitted, a duty was laid on bay yarn, but this was only to raise a revenue to the crown by dispensations. England flourished, but flourished from a different cause—from the

protecting duties, which procured her a home market; she soon far outstripped other nations in her manufactures; but in the reign of Elizabeth, the rest of Europe, perceiving the good effects of the measure to England, began to lay on protecting duties also. France laid a duty of half a livre on cloth imported; this was shortly after augmented to a livre, and so by degrees to actual prohibition. The Dutch followed the example.—The effect of those protections on the manufactures of England was quickly perceptible.

In the year 1616, the exports decreased 160,000*l.* in some time after, the balance was found to be more considerably against her; her imports being above a million, and her exports not quite 300,000*l.* a year. She then found it necessary to recur to fresh protecting duties, and to prohibit the importation of broad silk. She also saw it necessary to prohibit the wear of India goods. These protecting duties have ever since been accumulating, and Ireland included, as well as other countries. They have been constantly, as far as respected Ireland, increased during the reign of George I. and II. but it must be confessed, no such thing has been done in the reign of George III. On the contrary, more has been procured for this country, during that period, than since our first connexion.

Before the protection of her manufactures, the balance was considerably against her; the French importations were computed at an average to amount to 1,500,000*l.* per annum. Afterwards, by means of protecting duties, instead of importing, her exports of woollens amounted to 5,000,000 yards. Her home consumption to 6,000,000; making together 11,000,000. So that she arrived to such a summit of greatness as no country since the fall of the Roman empire, ever attained. By means of the wealth procured by manufactures, she was in the year 1763, able to impose the law on Europe.

In the late unsuccessful war, we have seen her maintain a struggle no country in the world would be able to maintain but herself. We see her now, after it, great, feared, and respected, and that under the burthen of an enormous national debt, which no other nation would be able to bear.

Having, on real matter of fact, shewn the progress and success of the manufactures of the two countries—Having shewn how England has risen, and Ireland declined—Having shewn that her system of policy is the cause of her grandeur, permit me to draw your attention to the difference of situations. In England, the lowest peasant wears good broad-cloth, feeds well, and is lodged comfortably. The face of the country presents a view of good habitations, and communicates an unspeakable pleasure to every man of humanity. I feel a warmth whenever I see and contemplate its beauty; but when I reflect on the misery of

my own unhappy country, that I left behind me, I sink on the comparison.—In England, all is joy, ease and content. It may be said, in the scripture-phrase, of that country, “the hills and vallies sing with joy.” Let us now for a moment view the wretched condition of the miserable Irishman.

The Irishman, Sir, feeds the cattle whose flesh he is debarred from tasting. As to clothes, he has scarcely any. As for habitation, he has perhaps, some miserable hovel, whither an Englishman would not venture to turn his beast. Here he, with an unhappy wife, and wretched offspring, must endeavour to drag out existence, half starved, and half famished with cold. What a distinction, alas! between beings of the same species!

When, Sir, we thus view the different conditions of two people, it is natural to enquire into the cause of this difference.—Are Irishmen less fitted by nature to earn a livelihood than Englishmen? Is there any difference in their frames, to produce these very different effects? Are their constitutions worse, or appetites greater? Is there any disadvantage in the nature of our climate, soil, or situation of our country, to prevent our prosperity?—No! the climate of this country is delightful—the soil as rich and vegetating in general as any in the world—and our situation adapted for intercourse with both worlds. Thus, those who render our people idle, are the first to ridicule them for that idleness, and to ridicule them without cause. National characteristics are always unjust, as there never was a country that has not produced both good and bad. Though one man may be idle, another will be industrious, and though that man may be a drunkard, this may be sober. I am grieved, Sir, to hear those uncandid reflections thrown on Irishmen. They are general assertions, false as they are illiberal.—Irishmen have shewn spirit and genius in whatever they have undertaken. They have shewn that they can make great exertions, when they are encouraged; the difference of the cultivation of this country, from what it was before the laws for promoting agriculture, will evince the truth of my assertion. A great proportion of the inhabitants of this country, previous to those laws, lived on imported corn, but no sooner was encouragement held forth to the plough, than the national industry broke forth, and instead of importing, a great quantity of corn was annually exported. This will ever remain a positive contradiction to the vague and ill-founded reflections on Irishmen. I will even go farther, and call on gentlemen to specify one instance, where the people were indolent, where the laws of their country protected them in their endeavours. Let us consider what has been done in respect to our linens. Though we were compelled to yield an established manufacture, and to apply ourselves to it, under the disadvantage of contending with a country that has arrived at great perfection,

yet we prospered. And why? Because we were not interfered with. If this be not a proof of industry, I know not what may be called so. Whenever this country has been encouraged, it shewed great industry—witness our linens, our broad stuffs, our tabinets, and poplins: How groundless, therefore, is the charge of indolence? Even admitting the people of this country were indolent, instead of contributing to keep them in it, by continuing their oppressions, this House ought to remove that indolence.

As every cause but the true one, has been assigned for the present distresses of the poor, there have not been wanting who have attributed it to the low price of whiskey, and the drunkenness of the working manufacturers; but those gentlemen who have, of late, been so fond of praising the industry of the North, ought to be informed, that there is no part of Ireland, in which the people drink more whiskey, and yet manufactures succeed there perfectly. This I know, because I have an estate in that part of the kingdom. I know they think nothing of drinking a pint of whiskey in a day, and are able to attend to their business after. Some of my tenants have informed me, they could drink half a pint of whiskey with as much ease as any of us could a glass of wine. As for me, no man more disapproves of the abominable custom of drinking spirits; but yet, I will be free to say the distress of our manufacturers, is by no means to be imputable to drunkenness.

As these are not the causes of the present calamities, it is natural to ask what may be the source of them? It may be answered, that want of employment is that source. Numbers of manufacturers cannot get their goods sold.—How therefore, can they give employment? Several circumstances contribute to forwarding the importation of English goods, whereby our own are injured. In England they have large capitals; they can buy and sell much cheaper than our manufacturers, who have in general very small capitals. The man with a large capital can afford to give long credit, which the other cannot, and eight per cent. will yield a greater profit to him in trade, who has 10,000*l.* than ten per cent. to him who has but 1000*l.* In England they give two years credit, when we can scarcely give six months, which induces people to deal with them, as they have a year and six months interest on the money. This enables them to turn their capitals oftener, so that if they sell, even for less than others, the quick disposal of their goods will not fail to bring them at the end of the year a much greater profit.

Something must be done to relieve the thousands who now are famishing in your streets. The city of Dublin, with a degree of humanity that will ever do it honour, has hitherto succoured them by voluntary donations. But the donations of the city of Dublin will be found inadequate to the miseries of those poor men.—

The non-importation agreement entered into in 1779, afforded them some small relief for that time, but served only to augment their distress since, as magazines of English cloths were then formed in this country.

Another expedient was, establishing manufactories here, but, Sir, these have ended generally in the ruin of those who have attempted it, for the English riders immediately give notice to their employers, when a manufactory is going to be set up; the consequence is, the British merchant resolves to lose for a time, sends over an abundance of the commodity, sells it cheaper than it can possibly be wrought for, and totally overthrows his rival. Sir, I remember an instance of this in England itself; there was a house in Nottingham carried on a considerable trade in one branch of business; another finding it so profitable, determined to undertake it also; but the owner of the first house determined to lose an immensity, and undersold the new one; the latter, consequently, failed in a short time, and the business returned to its ancient channel. This shews, Sir, that the English merchant will always be an overmatch for any manufactory we set up, which can any way injure him. Now, Sir, another expedient was, opening our export trade; I never shall arraign that measure: It was conducted by a gentleman, whose memory I shall ever revere, and whom I never think of without emotions which I cannot express; but, Sir, an export trade is beginning at the wrong end; unless there is an home consumption it will never avail.

The home consumption is what gives money and spirit to the undertaker; without money he cannot pay the men whom he employs, and that money is only to be had by home consumption. Since then the remedies that have been applied are ineffectual, let us now see what may be successful; and in this let us copy the conduct of England, of France, and other commercial countries; and that is by protecting our manufactures at home.

Then, Sir, fashion, though it may appear at first a trivial matter, has a very great effect on our trade, and for this reason—whatever is the fashion, the manufacturer has a home consumption for, and sells at an enormous advanced profit, for ready money; as soon as the fashion alters, he has made so much by it, that he can send over the redundancy here, and sell it at first cost, or considerably under the first cost, and still be a gainer;—and therefore, though some persons here have sent to England, and got patterns of the fashionable articles, yet before the patterns could be procured, the dies prepared, and the manufacture wrought, the English merchant would have varied his fashion there, and sent the redundancy over to us, and underfold us so as to destroy our hopes.

Now, Sir, what have been the remedies which we have endeavoured to provide? A non-importation agreement, which,

while it lasted, had some effect, but it was but temporary, the benefit arising from it was but for a season, and I fear it has established a permanent evil; for, Sir, it was by no means general, and the people, particularly in the North, who were not so much injured by importation, established warehouses, opened their ports, and laid in such a quantity of English goods, as poured an inundation upon us, the moment the agreement was at an end.—A few words, continued Mr. *Gardiner*, will be sufficient to prove, that this measure will not be injurious to the landed property of this country. The advantages of the man of landed estate, and of the manufacturer are reciprocal; for the prosperity of the one is the support of the other.—The petition therefore presented to this House, by an Honourable Gentleman, from certain landholders of his county, cannot with any degree of propriety be urged against this measure.

Mr. *Gardiner* then read the following resolutions:

1st. That it appears to this House, that the working manufacturers of this kingdom, are in the greatest poverty and distress.

2dly. That the importation of foreign manufactures into this kingdom, has of late years considerably increased, and still continues to do so.

3dly. That this great importation, by impeding our manufactures, is the cause of this poverty and distress.

4thly. That the interference of parliament is necessary to remove those evils.

He afterwards moved the first.

Mr. *Hartley* said, every acknowledgment of gratitude was due to the Right Honourable Gentleman (Mr. *Gardiner*) for the extraordinary pains he had taken, during the whole process of this business, and the unremitting labour and expence he had been at, to acquire to his country this great advantage. That a gentleman of his respectability and large property, should sacrifice all the pleasures of life, afforded by his situation, to serve the public, was the truest mark of real patriotism. He would have his reward in the gratitude of his countrymen, but much more in his consciousness of having done right. The people were truly wretched, and no man of humanity could behold their miseries, and not share a part of them. This was not imputable to idleness; that charge had been with much injustice laid at their doors; manners were not from soil or climate.—Their distresses proceeded from want of employment, not from idleness. This want of employment was created by the interference of another country, who was herself fully sensible of the utility of protecting duties.—Would any man say an Irishman had a greater share of depravity or original sin in his composition than an Englishman? For her own sake, England would leave her ports open to the provisions

of Ireland; she took from us only what was absolutely necessary, bay linen and yarn; but we took every manufacture from her. We took her East India goods at one third more than we could have them at another market. They were so attentive to the home consumption of their own manufactures, that they would not themselves wear the goods of their East India Company, but sent them to us, who had no interest in them. Half a million of English money came into this country annually, while we sent one million and a half to England for manufactures. Gentlemen had objected to protecting duties on the principle of England's refusing our linens; but this was a mistaken idea; for nations, like individuals, were influenced by interest. Much Irish money was spent in Great Britain, which could not be done, if the linen manufacturers received a check. The north of Ireland had displayed, for some time, much liberality, both in religion and politics. He was sure they would observe the same conduct on this occasion.

Alderman *Warren* said he had gone frequently into the Liberty; it was impossible to describe the distresses of the poor working manufacturers. Who could, without melting into compassion, see eight or ten in a family starving on a bundle of straw? Who could, without being distressed, see the miserable father and mother, with a helpless off-spring, turned adrift on the wide world—their little all disposed of. The House should do something to relieve these miserable beings, as the very humane citizens of Dublin would not be able to maintain them continually. If the House paid attention to the relief of foreigners, why not to their own people? He heard it frequently from gentlemen, on the other side of the House, do not do this, or do not do that, Great Britain has not done so, but now that they had her example for imposing protecting duties, why not follow it?

Sir *Boyle Roche* thought there was an absolute necessity of doing something, and advised the House to buy up all the manufactures on hands, and turn exporters themselves.

Mr. *Foster* said he would shew that the facts adduced by the Right Hon. Gentleman (Mr. Gardiner) were imputable to other causes, and as he considered a committee the proper place for so doing, should move, that the House would go into one, on the resolutions. He then moved for a committee of ways and means.

Mr. *Gardiner* said, if the resolutions passed in the House, he should have no objection to going into a committee of ways and means; but till then, would oppose it. But in truth, the Right Hon. Gentleman (Mr. Foster) had no inclination that the facts should stand on the journals. If the committee were insisted on, he would take the sense of the House.

Mr. *Foster* spoke in favour of the committee.

Sir *Henry Cavendish* agreed with the Right Hon. Gentleman (Mr. Gardiner) as far as he went, but he would have gone farther, and stated more. No man could deny the truth of the resolutions: he was therefore a friend to protecting duties, and would vote against going into a committee, as he thought it better in the House to state the propriety.

Sir *John Blaquiere*, after paying many compliments to Mr. Gardiner, said, as they ought to have something first to debate, he would oppose the committee.

The Recorder was for the committee.

After a dispute whether the order of the House, relative to the members speaking twice should not be rigidly adhered to, in the case of members on the side of opposition, though gentlemen on the treasury bench had been permitted to speak without interruption,

The question was put on Mr. Foster's amendment, when there appeared, for going into the committee,

Ayes,	—	—	—	110
Noes,	—	—	—	36

Majority,	—	—	—	74
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The House in a committee, Mr. Bolton in the chair.

Mr. *Gardiner* moved that an additional duty of 2s. 6d. per yard, be laid on old drapery imported into this kingdom, from the 1st day of May next, to the 25th day of March, 1785, inclusive.

Mr. *Parsons* was for having the duties between the countries equal, which he thought a sufficient protection for our trade; otherwise our conduct might be construed into an acknowledgment of superiority. Last parliament had asserted their independency, and would the present give up that independency? In Ireland, he said, no more than 6d. a yard was imposed on the importation of English cloths, while ours in England were charged with a duty of 2l. 0s. 6d. In order to equalize the duties, therefore, he would, if he found it agreeable to gentlemen, move an amendment, that 40s. be substituted for 2s. 6d.

Mr. *Gardiner* acknowledged the justice of the Hon. Gentleman's idea, who spoke last, but said several reasons prevented him from going such lengths. He was unwilling to excite enemies to the measure. All he wished for, was, such a protecting duty as would ensure employment to our manufacturers, and not give jealousy to England.

Mr. *Griffith* said, he would not take up the time of the committee, with recapitulating the miseries and distresses which this country had suffered since the commencement of the present century, nor wound their feelings even with a faint description of the present distressed and dejected state of the lower ranks of people, in the southern districts of this kingdom; it was sufficient

to say, that there did not exist upon the face of the earth a race of men in so abject and wretched a condition—he would not except the Esquimaux in North America, nor the Hottentots at the Cape of Good Hope.—When we look back upon the melancholy picture of our past distresses, and view the pressing evils under which we now bend, it is natural to enquire whether the calamities we have suffered, have proceeded from any inherent viciousness or imbecility in the dispositions of the people, or whether they have been produced by the impolicy and injustice of our laws.—I will not suppose any man so absurd as to maintain that there is any inherent defect in the natural organization of my countrymen.—This unhappy cause must then have been produced by the impolicy of our laws; for from one of these two causes it must proceed: If then our distresses have proceeded from the impolicy of our laws, I maintain that the cause is not yet removed, because the effect has not ceased, but rather increased of late. Gentlemen talk a great deal of the happy effects of our free trade, our free constitution, &c. but when they come to examine these high sounding words more nearly, I fear they will find they have been deluded. Sir, Lord North knew very well, when he granted you a free trade, that he gave you nothing, or at most a useless bauble; and when petitions were delivered against our free trade, by several manufacturing towns in England, he assured them, in circular letters, that nothing effectual had, or should be granted to Ireland: Nothing effectual!—He knew very well, that to grant a liberty of unbounded export to a nation, that was not in possession of any manufactures, was like giving a general evacuation to a man dying of inanity; it was like opening the veins of a wretch expiring with hunger. Sir, there cannot be a stronger proof of the desperate and mortal state into which we are declined, than the very arguments which gentlemen have so often used to make us satisfied with our condition. If, Sir, notwithstanding a fertile and luxuriant soil, a mild climate, together with the inestimable blessing of civil liberty, we have languished for near a century, in wretchedness; if, Sir, after having added to these favourable circumstances, a perfect emancipation of our trade, and freed our constitution from the burthen of a foreign yoke, and that we are now in the enjoyment of profound peace; if, Sir, notwithstanding the superaddition of these blessings, we still continue rapidly to decline, is it not evident that the cause still exists as forcibly as ever? and is it not natural for us in such a situation to look round, and view the policy of other nations, to observe how they have arisen from indigence into affluence and splendor? Is it not natural for us to direct our eyes towards that country, to which we are desired on every other occasion to look for precedents and examples? And if we find that England, that France, that every coun-

try, which has been at liberty to consult and pursue its own interests, has uniformly pursued one plan; that they have all given a decided preference to their own manufactures, in their own markets; and if we find, that this policy has been attended with the happiest effects, and without any mischievous consequences whatsoever, is it not natural, that, in our wretched and dejected situation, we should wish to adopt a policy that has been found upon experience so beneficial to other nations? What then is it, I would ask, that is to prevent us from taking so wise a step; from adopting so salutary a measure?

The ostensible objections are two. The first is indeed of a very slight nature, and requires but a very slight answer. In order to ground an objection, gentlemen suppose what was never intended, namely, that we should exclude the English manufactures from our markets. Then, say they, we shall be at the mercy of a set of idle, lazy, and caballing workmen, who will raise the price, and debase the quality of their goods.—Sir, that report contains incontestible evidence to contradict this assertion. Several of the principal manufacturers of this city, as well as persons deputed by the journeymen, have bound themselves solemnly to observe whatever regulations this House may think proper to make for their conduct in future. But, Sir, we have a strong tie upon them, and that is their own interest; they know very well, that it is in the power of this House to rescind any resolutions, or to repeal any acts which we may make in their favour, should they prove themselves unworthy of the encouragement given them. But, Sir, let me say that the reproach of idleness and irregularity, which is made to our manufacturers, comes with a very bad grace from the old members of this House; from those legislators who are in some degree the cause of those disorders they complain of. I say, the cause, in having so long been silent spectators of the miserable condition of our manufacturers, without having taken any effective measure for their relief. You are idle—you are idle, said Pharaoh to the children of Israel, when they complained of the hardship of being obliged to make bricks without straw. You are idle—you are vicious and lazy, say the Hon. and Right Hon. Gentlemen to the manufacturers of Ireland, when they complain of having no work to perform!—As to the other objection, it is indeed of a serious nature, and deserves a serious answer. I mean the effect which the measure of protecting duties might eventually have upon the linen manufacture of this country. Now, Sir, I do not pretend to any knowledge in the linen business myself. My arguments must be drawn from the best information I could obtain, and particularly from materials with which the report upon your table has furnished me. But, Sir, I will not fatigue the House with entering into the detail of this argument; I will for a mo-

ment allow the full force of what gentlemen wish to establish, namely, that it is in the power of England to annihilate the linen manufacture of this country. What then becomes of our free-trade; where is the beautiful fabric of our independence shewn, if we are at the mercy of the linen-factors of England, if they are to be the arbiters of our fate? For in truth, if they can ruin our linen manufacture, they are so. What mockery is it for us to meet here in solemn debate! But Sir, thank God, it is no such thing. I will not say that it is not in the power of England, if she chose to quarrel with this country, to give some check to our linen manufacture, by prohibiting the entry of it into Great Britain; but, Sir, that this could only be a temporary check is sufficiently evinced by the conduct of those men who are chiefly interested in this business, I mean the linen factors of this city, and the linen merchants and manufacturers of the north. They are convinced, Sir, that it is not in the power of England, materially to injure the linen trade of this country; and, Sir, it appears by the report on your table, that a majority of the former, I mean the linen merchants of this city, at a meeting publicly held in the chamber of commerce, declared that this country was likely to gain more by the measure of protecting duties, than she could suffer by any proceeding of Great Britain, in regard to the linen manufacture. These circumstances, Sir, are incontestible; gentlemen, therefore, appear more interested for the linen trade, than the persons who are most interested in it, and who are certainly the best judges, seem to be. He said, he could not by any means consent to the proposition of the Hon. Gentleman on the floor, for increasing the duty to 40s. it militated against the principle upon which his Hon. Friend had proceeded from the first. It was repugnant to the principle upon which he supported protecting duties. The ideas of those duties arose in the mind of his Right Hon. Friend, from a commiseration of the distresses of the wretched inhabitants of the country, and not from any party spirit, or factious motive, whatsoever. The only way to serve the manufacturers of Ireland is to put them on an equal footing with the English artists, to lay such duties on the import of woollens as might serve to counter-balance the great capitals of the English, the low price of their wool, and their great exactness in furnishing goods. Will any man in this House refuse to put the Irish manufacturer upon an equal footing with the Englishman? Is it possible that so just, so equitable a proposition can be rejected?

He begged pardon of the committee, and said he would not have detained them a moment longer, had it not been for something that fell from a very worthy and respectable alderman below him, relating to the Genevans. There is no part of the conduct of administration, said he, which I so highly approve,

as the encouragement to the establishment of the Genevans in this country, as it will introduce a number of excellent artizans into Ireland, who will give my countrymen examples of industry, patience and œconomy. These are virtues of a manufacturing and a commercial people; and these are virtues which the Irish in general are most deficient in. Mr. *Griffith* concluded with paying a very high compliment to Mr. Gardiner on the very great attention and ability he had displayed in the whole progress of this business.

Sir *Henry Cavendish* thought the 2s. 6d. too much; he was for giving this country a decided advantage, but was an enemy to monopoly.

Major *Doyle* said, the present motion has been introduced with so much clearness and precision by the Right Honourable Mover, and has been supported with so much ability in the course of the debate, that it would seem little necessary for so young a member as he, to add any arguments to those weighty ones already adduced—to convince the House of the wisdom, the justice, and expediency of agreeing to the resolution before it—But, Sir, continued he, although my small experience will not admit of my affording so largely to its support, as those gentlemen who have gone before me in the debate, yet, Sir, I am anxious to contribute my mite to the advancement of so salutary a measure—Sir, if I addressed myself to the humanity of this House, I am confident I should apply myself well; but when in addition to that, there is the strong plea of national justice; a combination of such motives must be found irresistible—It is therefore, that I rise to offer a few words in behalf of our distressed manufacturers.—From the documents upon your table, collected upon oath from those most competent to give information, (and whose opinions receive additional weight from great respectability of character) we learn that the distress of our trades-folk arises from the great consumption of the manufactures of another country, to the depression and total demolition of those of our own—Sir, I will not impute this predilection to the want of patriotism in my countrymen; I will say, that it is rather their misfortune than their fault; it arises on the one hand from the long credit which the English merchant from his large capital is enabled to afford, and on the other from the long credit which the Irish consumer from his continued hospitality is obliged to demand. These two causes combined, with the facility by which this intercourse is carried on, form the grand source of all those distresses we are now called upon to relieve. Remove the cause, the effect will naturally cease; take away this facility by imposing such a duty as will place your own manufacturer in his own country, upon an equality with any other.—Sir, I wish not to prohibit the exertions of others, I wish only to protect those of our own. Sir, I am aware

that it may be here asked me, how the necessity for this protection becomes greater at present than it has heretofore been?—Sir, I will answer, but it is with pain and grief I answer—Britain has lost thirteen provinces, and with them, her colony export-trade, which before the non-importation agreement of 1775, in America, was alone valued at six millions annually; she has lost her Levant trade, and has now no market into which she can throw her redundant manufactures, save only this poor country—Full heartily do I sympathize in her sorrows, and full willingly would I alleviate her distresses, by bearing such a portion of her burthen as would not entirely crush and ruin ourselves; but I would be just to Ireland, before I was generous even to her; not that I love England less, but that I love Ireland more.—Let us now examine the objections raised by the opponents to the present plan. Sir, it is said that the distresses are in a great measure artificial, and that where they are real, they are owing to the late unfavourable seasons; the idleness and dissipation of our lower class of workmen, and finally the manufacturers being crowded into the metropolis, where the price of provisions is necessarily very much enhanced. These are plausible assertions, for they are not arguments. Impostors, no doubt, Sir, have taken advantage of the general calamity, and personated manufacturers in distress, but this is arguing from the abuse, Sir; for I fear many instances might be adduced, of those whom want has carried to untimely graves, and it is going great lengths in artifice indeed, when people will even die to deceive their benefactors. As to the idleness of our lower class, I deplore it as much as any one; but surely she never put on so strange a guise, as when she went to and fro seeking for employment: In this instance you tie up their hands from industry, and then upbraid them with their idleness. Sir, I agree that the metropolis is an improper place for the seat of a great manufacture: But, Sir, all these are but secondary causes of distress; as far as they have been local and temporary, they have been done away, by the munificence of our Viceroy, the providence of our parliament, and the benevolence of our citizens. But, Sir, the primary cause originates in a radical error of our commercial system; which nothing but the interference of the legislature can effectually remove. It is said, Sir, that the present plan will create a jealousy with England, which, by her retaliating, will injure our linen trade—Sir, he must be an enemy to both countries, who would wish to create a jealousy in either: Sir, I am for rooting out all jealousy, and implanting in its stead a spirit of emulation; I would throw open the gates of wealth alike to each, and industry alone should mark precedence. But, Sir, surely no man will say that England will be jealous, because Ireland is not wretched; Sir, it is a libel upon the good name of England, which as its friend I cannot believe: It is said that it will ruin our linen trade; but of this surely those concern-

ed in that branch must be the best judges, and we have never heard of any petition or remonstrance against the measure, from the inhabitants of Ulster, who it is well known are not slow in forming and disseminating their opinions upon public measures.—Sir, upon the whole, I am an advocate for a protecting duty to our own manufacturers; but I am not bigoted to any precise plan; and if any gentleman will shew me a mode less exceptionable, and equally efficacious for relieving our manufacturers, I will forego my own opinion and follow his, and will say to him, in the language of the poet, *Si quid novisti rectius, candidus imperti, si non, his utere mecum.*

Mr. Foster argued against the decline in our woollen manufacture, by stating the increase in the importation of Spanish wool to have been greater these two years past, than in the ten preceding years, and by entering into an average of the bay-yarn exports, which he asserted to be reduced one half. He could not, therefore, conceive whence this cry of distress could arise. The distress, he said, was by no means universal.—The most populous province in Ireland did not feel any! The distress complained of did not arise from importation. To prove this, he entered into a long and intricate calculation of import of old and new drapery, and concluded there had been a decrease in the importation of these articles; fustian he included in the same statement.

It appeared from the evidence given by Mr. Haspel, at their bar, that after several days deliberation in the chamber of commerce, this question had been carried by a majority only of two; 12 having divided for, and 10 against it.

He said this resolution would operate like the non-importation agreement, when manufactures decreased in quality and increased in price. He himself went to the Irish woollen warehouse to buy cloth, and was informed, on expressing his surprize why the price since the day before, had been raised 1s. a yard, that it was on account of the non-importation agreement.

The greatness of England was to be attributed to other causes, as well as to protecting duties; to the accession of wealth she acquired from her West India islands and colonies. Protecting duties were not the most effectual mode of enriching this kingdom. Let the people turn their attention to other objects—to their fisheries, &c. When gentlemen urge the necessity of protecting duties, the balance of the whole trade with England, and not of part, should be taken into consideration. If those prohibitory duties were laid on English woollens, was it not natural she would retaliate, and transfer her linen trade to Germany? If gentlemen expected a market for their linens in Spain and Portugal, the duty was 23 per cent. If in America they would be mistaken.—Some may be induced to be of opinion, that long habits of connexion

might operate against this retaliation, but he was convinced interest was a very strong motive to be combated.

Interest would influence the conduct of England; she found Ireland her best market, therefore dealt with her; but the protecting duties would make this country a bad market; she would therefore transfer her trade to some other.

He said that the 25,000*l.* lent to Captain Brooke had procured him a partnership of 20,000*l.* more from England; and asked, if the ribbon manufactures had been increased by all the volunteer cockades, or those used at the late elections? As the evil was temporary, a temporary relief would meet approbation. The people of England, he said, were a proud people, and, therefore, he advised this country not to irritate their passions, but to leave this affair to be adjusted by negotiation.

Mr. *Monck Mason* said, he was decidedly against provoking the people of England.

Mr. *Gardiner*.—Though the Right Honourable Gentleman (Mr. Foster) has been very dextrous in adducing specious arguments, I cannot be persuaded that our manufactures are not on the decline. That they are so, is incontrovertible from the hands not employed.—The Right Honourable Gentleman has adopted a fallacious mode of argument, to prove the fact by applying general principles to particular objects.

He talked much of not irritating the passions of a proud people into acts of retaliation: But we are also a proud people, and should not be irritated into acts of desperation! In my opinion, the people of England are too wise to be irritated without cause—to be irritated because we should follow the wise example of protecting our commerce, which they themselves have set us!—But England is only to retaliate when any measure, not a favourite of the Right Honourable Gentleman, is to be carried into execution. The sugar-bill was a protecting duty more hostile than the present; but that was a favourite measure of the Right Honourable Gentleman, and England was not then to retaliate. The duty on sugars at first was made 5*s.* 6*d.* after 9*s.* and at last 12*s.* Did the Right Honourable Gentleman say, England was to be irritated? But the duty on woollens is less likely to irritate than the duty on sugars. The duty on beer this session, was a protecting duty—the duty on corn and flour, a protecting duty—and yet we have not heard that England was irritated, or took any steps towards retaliation. The duty imposed by the Right Hon. Gentleman on iron wire, was not a protecting but a prohibiting duty; not imposed to serve the nation, but an individual; not for the general advantage, but to create a monopoly in favour of a friend. But I would ask the Right Honourable Gentleman, what greater right have these to protection, than the weaving branch?

The laws in favour of agriculture had a greater tendency to irritation, as they militated much more against the interests of Great Britain than the measure before us; and yet the Right Hon. Gentleman never expressed any dread of their provoking that nation into acts of retaliation.

Admitting that England was willing to retaliate, let us consider in what she can annoy us, and we shall find she can do it three ways, by withdrawing her bounty on Irish linens—taking off the duty on German and Dutch linens—or by laying a duty on Irish linens.

By taking off the bounty, we could not be much injured, as we might easily provide a remedy by granting a bounty on exportation; her own interest would be hurt as well as ours, if she took away the duty on foreign linen, by the loss of a revenue of 150,000*l.* a year.

I admit she could annoy us in laying heavy duties on our linen; but there exists an insuperable obstacle to this—her own interest. It would be impolitic in her to take this step, as she gets finer and better linen from this kingdom than from any other. While it remains her interest to deal with us for fine linens, no British minister will be found mad enough to adopt any measure for transferring her trade to any other market.

As to coarse linens, we shall have a good market in America.—With respect to Spain, the Spaniards find Irish coarse linen to answer better for printing, than those of any other country. Their own advantage, therefore, will, with them, be an irresistible inducement to take our manufactures.

If gentlemen say Great Britain will retaliate, they should assign their reasons. I say she will not.—The agriculture laws, and some others militated more against her interest, than the present measure, and she has not retaliated. If she were to do so, it appears to me she would hurt herself more than us, as our means of supplying those enormous drains to absentees, spent in that kingdom, might be lessened.

With respect to Germany and Russia, Ireland has more than double the quantity of her manufactures than those two large countries together. This I could prove by documents from the board of commissioners. I think, therefore, we can have nothing to fear from that quarter.

As to the apprehensions of some gentlemen, that we have not a sufficient quantity of wool, a little unbiassed consideration will shew them groundless. If we have not wool enough at present, we may raise it. The soil of this country is as capable of supplying wool as that of England, and vegetation is as great here as in any part of the world. We have also a greater proportion of land to our number of inhabitants. There the proportion is 5 i-5 acres to each person; here it is 7 to 1. In England sheep walks

and tillage are not incompatible; why should they be so in Ireland?

The Right Honourable Gentleman has made some allusions to the non-importation agreement, and imputed a rise at that period in the price of cloths, to improper motives in the manufacturers; but he would have acted with more justice had he attributed it to other causes; great quantities were lying on hands; the demand by the volunteers, who were then in the infancy of their institution was great and sudden; and the raw materials were very scarce, which rendered a fresh supply expensive. To this, and not to any fault in the manufacturers, the inferiority of quality, and increase of price, mentioned by the Right Honourable Gentleman, ought to be attributed. The raising the price of articles on any sudden and great demand, is not peculiar to this, it is common to every country. Nothing is more customary in England than, on a general mourning, to raise their cloths to the highest price. But the demand, after the non-importation agreement, they knew would be only temporary. Several circumstances induced them to act as they did; if the demand had been constant, they would have done otherwise.

Let not gentlemen, I entreat, go into speculations on retaliation; let them reason from facts; let them act according to the dictates of humanity, and interpose between thousands of their fellow-creatures, and the pinching gripe of poverty. Let them not be too cautious for Great Britain against Ireland. You have followed their example in other things, why not in this, where every motive of justice and humanity conspire to urge you forward? Do not expect that your wretched manufacturers can be able to support the load of calamity they labour under. Do not expect, unless you wish to act like the Roman tyrant, who commanded the people to be merry on pain of death, that they will be able to feign satisfaction in their countenance, when their hearts are wrung with all the anguish of want. The measure is founded in truth and justice—the people have set their hearts on it, and it must ultimately succeed.

Mr. George Ogle said, he would consider the question in a political and commercial light. Negotiation was not the mode formerly, but was so now; as we were independent, and on a footing of equality with England. He confessed he had a great objection to the measure, and would vote against it.

The Attorney General said, if importations were stopped here, England would look for a German market, which might deprive us of great part of the sale of our linens. No man of humanity, he said, could see the poor men, who appear half naked in the streets, without feeling for their distress. If he thought the present measure would give them a relief adequate to their wants, he would be the first, not only to vote for it, but support it with all

his power; but he thought it a dangerous experiment, as the House might, by adopting it, hazard the loss of their linen manufacture; a certain good, for an uncertainty.

Mr. *William Todd Jones* said, he was persuaded of the national necessity of the measure, and as a Northern member, arose to promise it his support. Much had been said of the danger which might accrue to the present staple of the kingdom, should the motion before them pass into a law. He wished the House would consider whether a little risque ought not to be hazarded, in a measure that was to prevent further emigrations, and to feed the starving manufacturers who remained; and that the House would also consider whether the interests of the Northern drapers, and their sentiments on protecting duties, were to be collected from a few gentlemen present, or from the great body of the trade at large?—And where were their evidences of their aversion to the measure? Where were their petitions lying on the table of parliament?—Where were their instructions to their representatives to oppose it? There were none such existing: he heard of none: he had received none, though the subject of protecting duties had been agitated, before he had a seat in the House, and though he represented many hundred constituents in the very centre of the trade. Had the counties of Down, Antrim, Armagh, or any of the manufacturing counties declared their disapprobation and fears of the measure? They had not; and he translated their silence into consent, because the people, when satisfied with a public measure, do not give themselves the trouble to assemble to say so.—An Honourable Baronet, (Sir Richard Johnson) was pleased to observe, that the Northern members, on the division, would testify what the sentiments of Ulster were on the subject. He could only reply, that looking round he perceived many county members from the North absent; that his constituents were the inhabitants of Lisburn, and he wished before the House formed an opinion of the sentiments of Ulster, from the division of its members, that each of them would declare the number they represented.

Sir *Henry Hartstonge* spoke in favour of protecting our manufactures; but in order, he said, to meet the ideas of gentlemen, moved an amendment of 1s. on goods of 10s. a yard, and 2s. 6d. on any above that price.

Mr. *Gardiner* thought 1s. too low a duty to answer any purpose.

After Mr. *Beresford* had spoken against the motion, and Mr. *Gardiner* had replied, the question was put on the amendment, which passed in the affirmative without a division.

The clause then as amended was negatived on a division.

Ayes,	—	—	37
Noes,	—	—	123

Majority,	—	—	86
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Mr. *Gardiner* said, as he saw the committee so decidedly against the resolutions, he would not trouble them with any more of them.

SATURDAY, APRIL 3, 1784.

Messages from the Lords with the hawkers and pedlars and post office bills, acquainting the House with their having agreed thereto.

The House sat in committee on the linen bill, which being gone through, and the House resumed, was ordered to be reported on Monday.

A bill for the better punishing the receivers of stolen goods, was read a first time.

Ordered to be read a second time on Monday.

MONDAY, APRIL 5, 1784.

A message was received from the Lords that they have agreed to an act for licensing hawkers and pedlars, and for the encouragement of English protestant schools.

Also an act for the more effectually punishing such persons as shall by violence obstruct the freedom of corn markets and the corn trade, or who shall be guilty of other offences therein mentioned, and making satisfaction to the parties injured.

A complaint was made to the House of a breach of the privileges of it, by several persons violently breaking into the House before the sitting thereof, and behaving riotously therein; and the House being informed that Robert Barnes and Cornelius Cashman, two of the persons guilty of the said offence, had been seized by the Serjeant at Arms, and were in his custody, it was ordered, that the said Robert Barnes and Cornelius Cashman be brought to the bar forthwith; and being examined, and evidence having been given of their riotous conduct, it was ordered, that his Majesty's Attorney General do prosecute them for said offence.

The Right Hon. *John Foster* moved, That a committee be appointed to enquire into the conduct of the magistrates of the city of Dublin, respecting an outrageous mob which broke into this House this day, and behaved riotously and abusively to several of the members: And a committee was appointed accordingly.

Resolved, *nem. con.* That an humble address be presented to his Grace the Lord Lieutenant, that he will be pleased to issue a pro-

clamation, offering such reward as he shall think proper for the discovery of such persons as have been concerned in tumultuously breaking into the House this day, or who have incited or encouraged others thereto.

Ordered, That the said address be presented to his Grace by such members of this House as are of his Majesty's most honourable Privy Council.

A complaint being made to the House of several paragraphs in a printed news paper, intitled, "The Volunteers Journal, or Irish Herald," published Monday the 5th of April, 1784, the said paragraphs were upon motion read.

Resolved, *nem. con.* That the said paper is a daring, false, scandalous and seditious libel on the proceedings of this House, tending to promote discontents amongst his Majesty's subjects, to create groundless jealousies between this kingdom and Great Britain, to alienate the affections of the people from his Majesty's government, and to excite an opposition to the laws of the land.

Ordered, That P. Donnelly, the printer of the said paper, be sent for forthwith in custody of the Serjeant at Arms attending this House.

Ordered, That William Bingley, the publisher of the said paper, be sent for forthwith in custody of the Serjeant at Arms attending this House.

The House proceeded to take into further consideration the bill for relief of insolvent debtors.

A motion being made, and the question put, that the said bill do pass, it was carried in the affirmative.

Ordered, That Lord Delvin do carry the said bill to the Lords, and desire their concurrence.

Alderman *Warren* presented a petition of the freemen, freeholders and inhabitants of the city of Dublin, legally convened by the Sheriffs, praying to be heard by their counsel against a bill, now before the House, for paving, lighting and cleansing the streets of the city of Dublin.

Ordered, That the said petition be referred to the committee of the whole House, appointed to take into consideration a bill for better lighting, paving and cleansing the streets of Dublin, and establishing a regular watch, and erecting fountains for the use of the poor in said city.

Ordered, That the said petitioners be heard by their counsel, if they shall think fit, before the said committee.

The Serjeant at Arms informed the House that search had been made for P. Donnelly and William Bingley, but that neither of them could be found.

Resolved, That an humble address be presented to his Grace the Lord Lieutenant, that he will be graciously pleased to offer such reward as he shall think fit for the discovering and apprehending of the writers, publishers and printers of the newspaper, intitled "The Volunteers Journal, or Irish Herald," of Monday the 5th of April, 1784.

Ordered, That the said address be presented to his Grace the Lord Lieutenant by such members of this House as are of his Majesty's most honourable Privy Council.

Ordered, That his Majesty's Attorney General do prosecute the said writers, publishers and printers of the said paper.

TUESDAY, APRIL 6, 1784.

The House, according to order, resolved itself into a committee of the whole House, to take into consideration a bill for the more effectually paving, cleansing and lighting of the streets of the city of Dublin, and other places therein mentioned, and for making sewers, and erecting fountains and conduits in the said city for the use of the poor; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. *John Monck Mason* reported from the committee that they had made some progress in the matter to them referred, and that he was directed by the committee to desire leave to sit again.

Resolved, That this House will, in half an hour, resolve itself into a committee of the whole House, to take the said bill into further consideration.

Sir *John Blagiere* moved, "To expunge the clauses for erecting turnpikes on all the avenues into the city." He said, he had promised some Honourable Gentlemen, not then present, that he would expunge these clauses; he thought himself bound to his promise; but what he chiefly rested upon was the insufficiency of the tax proposed to be raised by turnpikes, to effect good and permanent roads from the circular road into the city; he therefore relinquished that object of his first intention.

The *Prime Serjeant* thought the necessity of making good the avenues so great, that he hoped the Honourable Knight would not abandon his first design; and proposed, if the turnpike tax stated in the bill should be deemed insufficient, to double the quantum of that tax.

This proposal was supported by Mr. *Beresford* and Mr. *Gardiner*, who asserted, that the avenues into Dublin were in such a state of ruin and filth, as disgraced the second city in the empire: That it was not in the power of grand juries, while they retained any compassion for the landholders of the county of Dublin, to

tax them beyond what they at present pay, that is two shillings an acre for repairing the roads; that therefore the aid of a turnpike tax was absolutely necessary, and that nothing could be more just and equitable than such a tax, as it assessed upon each carriage a sum exactly proportioned to the damage it did to the said roads.

General *Luttrell* said, the introduction of this tax, after the Honourable Knight had declared his intention of giving it up, must be considered as a surprize, and therefore he trusted the candour of the Right Honourable Gentleman, (Mr. Gardiner) would induce him to reject it: He urged the dislike his constituents had always shewn to it, and in their names called upon him. He asserted, that if time was allowed for the freeholders to assemble, that they would not fail to instruct the Right Honourable Member, and to petition parliament against this tax, which to him as well as to them, appeared an unnecessary and oppressive burthen.

Right Honourable Mr. *Casse* declared his disapprobation of the tax.

As did Alderman *Warren*, who said, that it would prove equally vexatious to the inhabitants of the city and county of Dublin; those within the city would be restrained in their liberty, and highly taxed by the increased price of provisions—while those without would feel themselves so embarrassed between turnpike taxes and county charges, that grand juries, he doubted not, would hereafter refuse to harass the subject with new impositions; and as the turnpike tax would of itself be insufficient to keep the roads in repair, they would soon be in a worse condition than at present.

Sir *John Blaquiere* and General *Luttrell* again urged, That consistent with good faith to the absent members, and to the public, the tax could not, after what had passed, be now introduced in such a thin committee.

The question was thereupon put, when there appeared,

Ayes, for the turnpikes	—	24
Noes,	—	30

Mr. *Beresford* then gave notice, that he would again bring forward this question in the House, and hoped it would not be thought a surprize.

Mr. *J. Wolfe*, according to order, reported from the committee of the whole House, appointed to take into consideration a bill for making appropriate parishes belonging to archbishops and bishops perpetual cures, and the better to enable such archbishops and bishops to endow and augment the endowments of vicarages and curacies to them respectively appropriate, and to render more effectual the several acts now in force to enable the clergy, hav-

ing cure of souls, to reside upon their respective benefices, and to build upon their respective glebe lands, that the committee had gone through the bill, paragraph by paragraph, and made several amendments therein, which he read in his place, and after delivered in at the table.

Ordered, That the bill, with the amendments, be engrossed.

The House, according to order, resolved itself into a committee of the whole House, to take into consideration a bill for the more effectually preventing the counterfeiting of the current coin of this kingdom, and the uttering or paying of false or counterfeit coin; and after some time spent therein, Mr. Speaker resumed the chair, and Sir *Hugh Hill* reported from the committee that they had gone through the bill, paragraph by paragraph, and made several amendments thereto, which he read in his place, and after delivered in at the table.

Ordered, That the bill, with the amendments, be engrossed.

Right Honourable *John Foster* read from the Evening Chronicle several paragraphs, which he declared to be of a seditious and libellous tendency, and said, that as he would be always ready to punish in a constitutional way, such daring attempts to excite tumult and discontent, he would move that F. Ross, the publisher of that paper, should be brought to the bar to-morrow morning, in custody of the serjeant at arms.

He also complained of a seditious and libellous paragraph in the Freeman's Journal, and moved that the publisher thereof should be brought to the bar to-morrow, in custody of the Serjeant at Arms.

General *Luttrell* suggested that the offensive paragraph might have been only copied from some other paper in the hurry of business, and if so, the printer who copied ought not to be deemed so culpable as he who originated a scandal.

Mr. *Foster* said, that while the General was speaking a member had put into his hand the Volunteer Journal, from which it appeared that paragraphs had indeed been copied; but as it was well known that paper was under the censure of the House, he thought a printer much to blame who would copy such matters from it.

The General replied, that possibly the copy had been taken, and the Freeman's Journal gone to press, before the displeasure of the House against the Volunteers Journal was known.

The House ordered the printers to be brought to the bar in custody of the Serjeant at Arms.

The Right Honourable Mr. Secretary *Orde* acquainted the House, that the address of yesterday to his Grace the Lord Lieu-

tenant, requesting his Grace to issue a proclamation, offering such reward as his Grace should think proper for the discovery of such persons as had been concerned in tumultuously breaking into the House on said day, or who had incited or encouraged others thereto; as also the address of yesterday, requesting his Grace to issue a proclamation, offering a reward for the discovering and apprehending the writers, publishers and printers of the news paper, intitled "The Volunteers Journal, or Irish Herald," of Monday the 5th of April, 1784, had been severally presented, and that his Grace would do as was desired.

The Right Honourable *John Foster* reported from the committee appointed to enquire into the conduct of the magistrates of the city of Dublin, respecting an outrageous mob which broke into the House yesterday, and behaved riotously and abusively to several of the members, the resolutions which the committee had directed him to report to the House, which he read in his place, and after delivered in at the table, where the same were read, and are as follow:

Resolved, That it appears to this committee, that the Right Honourable Thomas Greene, the Lord Mayor, received notice on Monday morning last, at nine o'clock, from Mr. Secretary Orde, that he had information of an intended tumult in the city on that day; and that the Lord Mayor had seen, on Sunday evening last, one of the seditious hand-bills, which were dispersed throughout this city on that day.

Resolved, That it appears to this committee, that notwithstanding such information the said Lord Mayor did not take any step to prevent the tumultuous rising of the people, which happened in this city on Monday last.

Resolved, That it appears to this committee, that the said Lord Mayor has not acted with that caution and prudence which becomes the chief magistrate of this city.

Mr. *Griffith* said, he had not objected to the two first resolutions, as they contained only matters of fact, but he would give his utmost opposition to the third, which he thought could not by any means be fairly deduced from them. In his opinion the Lord Mayor had acted with a becoming regard for the principles of the constitution. He had refrained from calling on a military force, which the constitution abhors, until compelled by the last extremity. In doing this, he was warranted by the prudent and constitutional advice of Mr. Speaker.

The *Speaker* rose to inform the Hon. Gentleman, that he had not advised upon the occasion.

Mr. *Griffith* said, the advice he alluded to was given in November last, upon an occasion similar to that complained of.—That sound advice had coincided with the Lord Mayor's senti-

ments, as it must do with those of every man that regarded liberty. The Lord Mayor acted in conformity to it, and it had produced happy effects.—His Lordship had every reason to suppose it would again succeed, but when he found himself mistaken, his personal activity had made ample amends. Upon the whole, as any error of his lordship could only be attributed to an excess of caution, and regard for the constitution, no censure should therefore be passed upon him.

The *Prime Serjeant* said, that the Lord Mayor had entered upon his office at a time when the city was in the most perfect state of tranquillity, and when its police was much more completely regulated than ever it had been at any former period. In this state his predecessor's great ability, and unwearied application to the duties of his high office, had left the city; but hardly had Mr. Greene entered upon his year of mayoralty, when he, who had been an active magistrate in the county of Wicklow, suffered every thing to run into disorder; the streets became impassable, riots became frequent, and every duty neglected. The man who could so far forget himself, as not to prevent such tumults as had arisen, he said must be considered as little better than an accomplice, and therefore, though with infinite reluctance he would consent to any thing disgraceful to a magistrate, he thought Mr. Greene ought to be censured; the censure of the House of Commons he considered as the censure of the nation, which, however severe a punishment, he thought was justly incurred, for if unhappily in the late riot any unfortunate individual had fallen, there remained no doubt that the Lord Mayor, who neglected to prevent it, would have been guilty of his blood. The Lord Mayor, he said, had no excuse—there was before him the excellent example of his predecessor, the example of the worthy and respectable board of Aldermen. He might have had their assistance and advice, he might have had the advice of that able magistrate the Recorder, but as he had neglected all those advantages, and acted solely from himself, it was just that he alone should bear the reproach.

Mr. Jones said, he had attended the committee for enquiring into the conduct of the city magistrates, and had seen sufficient evidence there to give a negative to those resolutions; that he would do the same here, though doing so, he should stand alone—but the first importing a message from the Secretary, he should not oppose, because the Lord Mayor had himself admitted it.

Neither his abilities, nor at that particular moment his spirits, were such as to induce him to enter into a combat with the phalanx who would become his opponents, should he enter on a detail of his motives for highly disapproving the resolutions; and he should content himself, standing alone as it should seem he would, with giving a bare negative, unless some gentleman de-

manded from him his reasons for so doing, in which case, he would indulge him with them to the utmost of his power.

The *Recorder* and Alderman *Warren* supported the Lord Mayor, as did Mr. *Hartley*.

Mr. *Hoyes* of the county of Wicklow, said that he had for many years known the Lord Mayor in that county, where he was esteemed a worthy public-spirited man, and an active upright magistrate.

Upon a division, there appeared for censuring the Lord Mayor,

Ayes,	—	—	35
Noes,	—	—	7
Majority,	—	—	28

The *Prime Serjeant* said, if the Lord Mayor should now begin, and hereafter act with propriety, he would, on the last day of the session, move to expunge these resolutions from the journals.

WEDNESDAY, APRIL 7, 1784.

A petition was presented from Sir Benjamin Chapman, complaining, that Mr. Smith, the sitting member for the county of Westmeath, had refused to pay petitioner 4. 4*d*. a day for his attendance as a witness on the trial of the Westmeath election; and praying the House to interfere for his relief.

Mr. Pierlon, agent for Mr. Smith, appeared at the bar, and declared he was ready to allow Sir Benjamin the subsistence usually allowed to witnesses, from the time that he was summoned until his evidence was taken; but that as he had continued to attend after that time, in order to run up a bill against the sitting member, and actually had made a charge of 9*l*. sterling, he thought such a demand unjust, and hoped the House would think so likewise.

The *Attorney General* moved, That the petition should lie on the table for the amusement of the members.

Sir *Lucius O'Brien* said, that he had framed the law for the benefit of poor persons, who might be brought to town as witnesses, and to provide a proper subsistence for them on such occasions; but he never intended it for the profit of such men as Sir Benjamin Chapman.

The Honourable *William John Skeffington*, according to order, reported from the committee appointed to enquire into the expence of collecting his Majesty's revenue, the resolutions which the committee had directed him to report to the House, which he read in his place, and after delivered in at the table, where the same were read, and are as follow :

1. Resolved, That it is the opinion of this committee, that all collectors should reside at their respective districts.

2. Resolved, That it is the opinion of this committee, that all Surveyors General, instead of 200*l.* a year on incidents, over and above their salary on the establishment, should be paid by daily allowances for the time they shall be on duty.

3. Resolved, That it is the opinion of this committee, that it will tend to encourage a faithful discharge of duty in the officers of the revenue, if certain offices shall be filled up by persons only who have gone through certain inferior departments.

4. Resolved, That it is the opinion of this committee, that no yearly allowance ought to be placed on incidents, in the nature of salary, or pension, or gratuity, except for officers whose offices shall be abolished; new offices created for an experiment, not exceeding two years; or for superannuated officers who shall have served forty years without censure; or officers who shall have received a wound or hurt in the service, amounting to a total disability; or for widows of officers who shall have lost their lives in the service of the revenue.

5. Resolved, That it is the opinion of this committee, that the proof of the said disability or loss of life shall be on oath, in the presence of the superior officer of the district, who shall transmit such proofs, with his opinion thereupon, to the commissioners, to be recorded in a book kept for that purpose.

6. Resolved, That it is the opinion of this committee, that said allowances ought to be stated under a separate head in the national accounts; and there shall be laid the first day of every session before the House, an account of said allowances, and the several reasons for the same.

7. Resolved, That it is the opinion of this committee, that no person should be appointed captain of a cruiser who had not served in the navy or been bred to the sea.

The Right Honourable *John Foster* said, he had full and sufficient evidence that the paper entitled the *Volunteers Journal* is the property of *Matthew Carey*, and published by him. He therefore moved, that *Matthew Carey* should forthwith be brought to the bar in the custody of the Serjeant at Arms.

The House resolved itself into a committee on the paving bill, and went through the same with various amendments.

Mr. Alderman *Warren* said, that such was the tenor of the present bill, as induced the inhabitants to think it inexpedient, agreeable to the petitions yesterday presented, that to prevent the grievances arising therefrom, counsel ought to be heard, who were ready to attend at the bar.

Sir *Boyle Roche* dissented from the Honourable Member who spoke last, not only in approving of the principles of the bill, but also thought it repugnant to the dignity of this House to pay attention to the solicitations of an unruly people. He wanted to know if it was not an insult to the House to have petitions offered by ringleaders of mobs. He then entered into a detail of his being surrounded by a riotous mob near the Tholsel, and challenged by them to know if he was not an abettor of Sir John Blaquiere's bill; but as a guiltless man that could never be intimidated, he declared he was; in consequence of which, he found himself *ingulphed in a vortex*, whence he could not extricate himself; and on demanding who they were, he received for answer, that they were the *Aggregate Body*. Thus he perceived, that if N———r T———y thought proper to go into the remotest recesses of this city, and excite the inhabitants to acts of desperation, these meetings were to be legalized by the specious appellation of *Aggregate Bodies*.

The *Recorder*, in the strongest terms, reprobated the whole bill, as a system of unexampled tyranny and oppression. It placed, he said, in the hands of a set of low persons (for commissioners acting for 150*l.* a year could be no other) a power to fine and torment with all the insolence of authority, every citizen of Dublin. It gave them power to raise taxes, and to borrow money; to summon whomsoever they thought proper before their tribunal, and upon neglect or disobedience, to impose a fine of 40*s.* By this inquisitorial act, the father would be compelled to give evidence against his son, the son against his father, before that honourable board.

The principle of the bill, he said, was utterly repugnant to law and constitution, and though Sir John Blaquiere proposed admitting any reasonable amendment, he objected to the whole as incapable of being modelled to the public benefit.

Sir *John Blaquiere*, maintained that his bill was infinitely less oppressive than that which the city had produced; it did not in the first place raise so great a tax upon the inhabitants of Dublin; it did not apply, as the city bill did, any part of the tax raised to discharge the enormous debt of 36,000*l.* to improperly incurred by the corporation, but applied the whole produce of the tax to paving, lighting, and cleansing of the streets.

As to the fine of 40*s.* for neglecting to attend the summons of the board, Sir John thought it absolutely necessary, as experience had shewn that less would not enforce obedience; and as to the power which the bill intended to give to the officers of the board, to levy a fine on persons neglecting to cleanse before their houses, what was it to levy, *1*s.**? yet this was described as striking at the root of liberty—this was the bugbear,

Our liberty is in danger, because the officer of the board is empowered to levy 1s. and our rights are destroyed because our dirt is removed. These were crying grievances indeed, and he hoped the spirit of the aggregate body would not submit to them.

A clause was introduced by Mr. *Gardiner* to close the new gardens with iron pallisadoes, at the desire and expence of the persons whose houses overlook that ground.

The Speaker having taken the chair, the committee reported.

Mr. *Hartley* reported from the committee appointed to enquire into the state of the House of Industry, that there were at present from 13, to 1400 poor persons maintained in that house; that the governors had not a sufficient fund to support them another week; and therefore he moved, that an address should be presented to his Grace the Lord Lieutenant, requesting he would lay before his Majesty the humble desire of the House, that his Majesty would be graciously pleased to order the sum of 5,000*l.* to be paid to the House of Industry, for the benefit of that charity, and that the Commons would make good the same.

The Serjeant at Arms reported, that in obedience to the order of the House, he had gone to the place in Abbey-street where he was informed Matthew Carey, the printer of the Volunteers Journal, was to be found, and that he there saw him, but that he had effected his escape.

Mr. *Foster* moved, that an address be presented to the Lord Lieutenant, requesting that he will please to issue his proclamation, offering a reward for apprehending Matthew Carey.

David Gibbal, publisher of the Freeman's Journal, was then examined at the bar: He said that the direction and superintendence of the publications was in a committee, composed of persons that he could not name; and the journeymen had, as was usual, copied the Dublin paragraphs from the papers of Monday, and in particular had copied the paragraphs that had fallen under the displeasure of the House from the Volunteers Journal and other papers; and that when they took that copy, he did not know the House had signified its displeasure.

Gibbal was discharged, and the House adjourned.

THURSDAY, APRIL 8, 1784.

Read a second time the bill to restrict the bounty on the exportation of linens, to such vessels only as are rigged with Irish sail-cloth.

Mr. *Herriott* moved that the order for the attendance of the Belfast printers be discharged, and Robert Joy, sen. be dispensed from his attendance the 26th instant.—Ordered accordingly.

Mr. *Foster* presented a bill to secure the liberty of the press, by preventing the publication of false, seditious and slanderous libels. He mentioned the provisions of the bill, which were, that the name of the real printer and proprietor of every newspaper be entered, upon oath, at the Stamp-office, and the printer into a recognizance of 500*l.* to answer all civil suits that may be instituted against him for publications; and that, under a penalty, no money be received by them, or any person for them, for inserting, or on the pretence of leaving out any slanderous publication.

Counsellor *Byrd* observed, that the Right Hon. Member (Mr. Foster) who introduced the bill, said it was a bill for securing the liberty of the press, by preventing its licentiousness: He thought the experiment was a dangerous one; and as to the observation of the Right Hon. Mover, that the bill did not militate against any principle of the common law, or introduce any new penalty, he thought it did militate directly against the common law, by taking away the discretionary power of the judges of the land, by permitting the printer, according to the degree of offence, to give common bail, or special bail. A clause in this bill requires the printer to give a security for his appearance in any action that may be brought against him, and to be responsible for the damages to be given by the jury: This is in effect holding the printer to special bail in all actions, which is never done, except when ordered in particular cases, by statute, as in enormous offences, by the judges, on affidavit, stating an urgent necessity. Other persons, against whom actions are brought, may have the privilege, before a verdict is found against them, of flying their country, and taking away their effects, but the printer loses this opportunity, because his security is reasonable for the damages. For these reasons, he was against the bill, as leaning too hard on the subject, and in some degree depriving us of that most invaluable blessing, the liberty of the press.

Mr. *Griffith* said he did not know what to say on this occasion. This bill went to make regulations in a matter that should be held sacred. The liberty of the press was a guard of all our dearest rights—an invaluable blessing that should be only parted from with life. The Right Hon. Gentleman's indignation for any treatment he might himself have met with from the press; should not hurry him to far as to precipitate a business of so dangerous a nature. However, as he was not at present prepared for the bill, and that the people might have an opportunity of enquiring into it, he would wish for the delay of printing it.

Mr. *Foster* said, that whoever affected the peace of individuals, by slanderous publications, ought to be accountable.

The *Prime Serjeant* expressed his thorough detestation of newspapers, and public assassins of character.

Sir *Lucius O'Brien* thought the bail required by this law unreasonable, and against the constitution. What printer, he asked, would be able, in a country town, to procure bail for 500*l.*? He should therefore be under a necessity of dropping his business.

Mr. *Montgomery*, (of Donegal) hoped no resentment the Right Hon. Gentleman might feel within his breast, for any attacks made on himself in the public prints, would influence him to tamper with the liberty of the press.

Sir *Henry Cavendish* declared himself in favour of the bill. It was then, on the motion of Mr. Griffith, ordered to be printed.

Mr. *Mason* reported from the committee on the paving bill, that they had gone through the same with some amendments.

Mr. *Beresford* proposed to restore into the bill the clause for establishing turnpikes on all the roads leading into Dublin.

General *Luttrell* opposed its admission, and moved a previous question against it, which being put, the previous question was carried,

Ayes,	—	—	—	49
Noes,	—	—	—	31
Majority,	—	—	—	9

By which the turnpike clause was negatived.

Sir *John Blaquiere* presented a petition from the Dublin Society, against the bill for appropriation of the sum of 15,000*l.* granted to the Dublin Society, for the encouragement of the manufactures.

Mr. *Hartley* presented a petition from the manufacturers of Dublin, expressing their gratitude for the many and great benefits which had resulted from the zeal and wisdom of the Dublin Society, and praying that the distribution of the money granted for the encouragement of manufactures might be left to their discretion.

Mr. *St. George* complained of the partiality which the bill before the committee manifested in favour of the trustees of the linen board, and the indignity it offered to the Dublin Society, who had deserved so well of their country; but, he said, if they had not made a law to prevent members of their own body receiving any premium, this affront would not be thrown on them. He desired, in the name of the society, that if they were not to be trusted with the management of the money in the usual way, their names might not be mentioned at all in the bill.

Mr. *Foster* said nothing could be farther from his intention, than to offer any affront to the members of the Dublin Society, jointly or individually: They were men of the first character, and the first integrity. The clause in the bill which the Hon. Gentleman-complained of, was a convincing proof that he thought so, for that clause consigned to thirteen members of the society, the management of the money in question. He was, indeed free to own that leaving the management to the society at large, could not answer his intention, nor had the intentions of parliament been answered in the distributions which the society had made of the great sums which had been entrusted to its care, as was manifested from the wretched state of our manufacturers at this day; for though the society acted with strict integrity, yet they (as all large bodies sometimes do) had established two retail warehouses, which had done more mischief to the manufacturers than all the wisdom of the society could repair; however, as he was always ready to accommodate the Hon. Member, he would comply with his desire, and totally exempt the Dublin Society from any trouble that might be incurred by the bill, and propose that thirteen gentlemen chosen out of the nation at large, by a ballot of the House of Commons, should have the management of the money. He would not, he said, confine himself to Members of either House, but take into the public service men of ability wherever they might be found; and this he thought would be much better than leaving the money to the Dublin Society, which, in effect, would be throwing it away.

Mr. *St. George* read several resolutions of parliament, proving thereby, that the highest confidence had ever been placed in the Dublin Society, and that the society had fully merited that confidence. As to the error of the warehouses, he conceived it was not fully proved; nay, he thought that the silk warehouse had operated even differently from what the Right Hon. Member stated as its effect. The silk looms of Dublin, which formerly had been 800, were, in the year 63, when the warehouse was established, reduced to 50, from that period they increased daily, and in the last year there were no less than 1400 silk looms at work in Dublin, giving employment to 11,000 persons: This he thought was rather a proof of the utility of the warehouse, and the wisdom of the society.

Sir *John Blaquiere* warmly defended the Dublin Society—he could not avoid saying he felt indignation to see any obloquy thrown upon a set of men that he revered.—In foreign lands he had learned to respect them for their virtue, and to admire them for their wisdom—unhappily, like a prophet, they did not find honour at home, though their exertions in behalf of the poor manufacturers had well deserved it. They had never omitted to

promote the interests of the poor artificer; but now when five barley loaves and two small fishes were to be distributed amongst the starving multitude, they were to be divested of the distribution.

The committee reported, and the House adjourned to Saturday.

SATURDAY, APRIL 10, 1784.

On Mr. *Foster* moving that the bill for restraining the liberty of the press should receive a second reading,

Sir *Edward Crofton* said he was astonished that a bill of such a dangerous tendency to the constitution, and so violent an attack on the liberty of the subject, should be agitated in such thin Houses. He declared he considered the press as the strongest bulwark of our constitution, and therefore, as he valued that constitution, would resist any measure of a tendency to lessen its securities. He then moved, that the second reading be postponed to the first of August.

Mr. *Foster* said, that it was highly unjust to suppose any injury intended to the liberty of the press by the bill in question; the manifest design of that bill was to preserve the liberty of the press by curbing its licentiousness, which of late had grown to such a degree of enormity as to become a national reproach. The bill was not intended as a restraint upon any man, to prevent his publishing his sentiments or opinions. If the bill should pass, every man would hereafter be at as full liberty as he now is, to publish whatever he should think proper, with this difference only, that if a jury of his countrymen should deem such publication a false, scandalous, or malicious libel, he would be answerable.

Mr. *Montgomery* (of Donegal) declared, that the bill, together with being a most desperate and violent aim to effect the subversion of the constitution, was in itself nugatory, and the whole one continued blunder, as it could answer no end, since no jury in the nation would find any indictment grounded on it.

Sir *Edward Newenham* reprobated the bill in every part of it. He disapproved of it *in toto*; he called upon the Secretary to oppose it, and shew that a Rutland in England, was a Rutland in Ireland, by a consistency of conduct, in support of the wishes of the people; he hoped, should the bill fatally pass the House of Commons, an Irish House of Peers would prove as virtuous as an English House of Lords. He noticed, that he had given up a motion of his, because gentlemen said, the House was too thin; and yet, the Right Hon. Mover persisted in a motion of the last importance, when many gentlemen are gone to the country, in

confidence that nothing of importance would be agitated. He warned the House against convulsing the whole nation, for all Ireland would be against it, as it struck at the remaining liberty of the people.

Sir *Edward Crofton* said, this was not the first time administration had attempted to remove this check on corruption. It had been attempted once or twice in England, but had met the disapprobation and repulse it so well deserved, and was received with such horror, that men who had on several, not very laudable occasions, supported administration, abandoned them on this.

Counsellor *Boyd* said, the bill professed to secure the liberty of the press, by preventing the licentiousness of it; if he thought it adequate to this measure, it should have his support; but he was convinced it had a direct contrary tendency—to destroy that freedom, which it affected to support.—The connection between liberty and licentiousness, is so intimate, that it is very difficult to correct the one, without wounding the other:—“Liberty is the greatest good a nation can enjoy; but every good has its alloy of evil, and licentiousness is the alloy of liberty—it is a speck on the political eye, which ought to be touched with a very delicate hand, lest, in attempting to remove it, you destroy the body on which it appears.” He approved of that part of the bill that required a public registry of the real names of the printer and proprietor; that done, the arm of the common law was long enough to reach and punish the offender, without the aid of this statute.—There are two modes of proceeding, either by public prosecution or private action:—If the offender declines to appear, he may be compelled, or, at least, the party may proceed to outlawry.

He was not for encouraging the experiment of bringing forward the printer or publisher, unless on great occasions. Juries are already very averse to finding verdicts against them; this bill will make them more so; it is a bill brought forward on the spur of the occasion, in the absence of most of the country gentlemen; it will be stiled the bill of the Right Hon. Gentleman who introduced it, a bill of resentment, not of redress.—It is not safe or prudent to encourage actions against printers; in a civil action, truth is justification against the charge of a libel; a jury, not the court, are to decide as to the truth. Suppose a printer should publish, that a gentleman of this House was an enemy to his country, because he voted against the bill of reform, would it be prudent to send this to be tried by a jury? They might think, with the printer, that the reform bill was expedient, and that the friend of his country should have supported it, and from thence infer, that he was an enemy who opposed it; on this event they must find a verdict for the defendant.

He disapproved that part of the bill which required the printer and publisher to give security, by recognizance, to appear to any action, and to pay the damages and costs that may be awarded against them; this is a sort of special bail required before a crime is committed. The appearance may be enforced by the ordinary process of the law without this novel prerogative process by recognizance; perhaps the nature and effect of a recognizance is not perfectly understood; a recognizance binds the property of him who acknowledges it from the moment of execution. The forfeiture of that recognizance twenty years hence, will affect this property in the hands of an innocent purchaser for valuable consideration; thus a publisher will be prevented from raising money by mortgage of his lands, or disposing of them in any manner, because they are bound by the recognizance, for the subsequent offence has a fictitious relation to the execution of recognizance; but an offence established by verdict and judgment, has no relation backward; therefore intermediate between the offence committed, and the verdict and judgment, the publisher may alien his property, and thus protect it against the judgment and execution; the evident consequence of this is, that men of wealth will not subject their property thus, and none but mean and obscure persons, who can suffer nothing by the forfeiture, will become publishers. Another possible fault in this bill is, that the judges, &c. &c. who are to take recognizances, have no discretionary power to enquire as to the circumstances of the person, but are virtually required to take the recognizance of every beggar who demands it—The bill presses hard on the publisher in another instance; in consequence of a judgment in the ordinary mode of proceeding, a moiety of his lands only can be extended, but on the recognizance, the whole may be extended;—the recognizance is absolutely forfeited by not appearing to the action at a certain day, and the court can give no redress if the party should appear at a future day—this is contrary to the present practice in our courts, for a party in contempt for not appearing is allowed to purge this contempt by payment of small costs, and paying obedience to the process of the court.—The bill is a discouragement to men of liberal sentiments—men of reputation, men of wealth, to become publishers, and tends to throw the business in the hands of men of an opposite description, against whom the public can have no security—The bill therefore deserves another title—a bill to destroy the liberty, and promote the licentiousness of the press.

The *Recorder* followed Mr. Boyd. He asserted, that truth was not actionable; that the bill would give no new remedy to persons aggrieved by public actions; and that without producing the smallest benefit to the public, it was a dangerous encroach-

ment on liberty, and a very great oppression to all concerned in the printing trade. He said, that in future no gentleman or man of property would engage in a profession, which though liberal in itself, would make him the slave of stamp commissioners; and therefore character would be less secure than it is at present.

In England, he said, which we are so fond of copying, such a law would not be admitted; that wise and free nation would never consent to put fetters upon genius; and therefore its language had been ornamented with the writings of Junius; nor could the present bill be deemed any more than an impotent attempt to injure what it could not controul; for even should it pass, the same proofs that are now required, would be necessary to convict a printer. It would not be sufficient evidence to prove that a certain libel appeared in the Volunteer's Journal, because any person with a private press, might exactly copy the appearance of that Journal, and in his copy publish what libels he thought fit; the necessity therefore of tracing the libel to the publisher would still remain, and therefore the bill gave no new relief to the injured.

He concluded with asserting, that the bill was absolutely unnecessary; for as the law stood at present, its operation was sufficient to awe men into obedience. Some of the news-printers had appeared at the bar to excuse their error, while others, at the hazard of their lives, had endeavoured to fly from the resentment of the House, conscious that the present law was fully able to punish any misdemeanor. It was called a bill for securing the liberty of the press; but how did it secure it?—why, for government, and against the people.

The Solicitor General.—The arguments and admissions of gentlemen, prove the necessity of sending the bill to a committee, where every thing may be settled to general satisfaction.

I hope the doctrine that juries may dispense with law, will never be admitted in this or any other place.—If this bill passes the legislature, it becomes the law of the land, and juries are obliged to find according to law and to evidence. I say this, lest a jury hereafter, misled by the high authority of the Honourable Gentleman's declaration, should hereafter mistake and think themselves authorised to dispense with law. The power which makes laws, can alone repeal them.

The Right Honourable Gentleman says, there is no such law in England. I admit that there is not; but will the Honourable Gentleman say that scandal has been carried to such a pitch of enormity in England as it has been here? Whatever may be said of stabbing the liberty of the press, I do maintain that they are the assassins of liberty, who abuse the press to the disturbance of public or domestic tranquillity, for their private emolument, and

they are the guardians of liberty, who oppose the devastation of licentiousness.

The Honourable Gentleman says, that the common law can punish libellers sufficiently. I do allow it, when they can be found; but that is the difficulty; therefore the bill comes in aid to the common law, and makes every man responsible for what he publishes. Nor can the Honourable Gentleman, with his private press, publish any thing injurious, even if he was so disposed, (though all who know the goodness of his heart know he is not.) Every man may, indeed, print what he pleases, provided he keeps it in his closet, as any man may keep poison in his cabinet; but if he sends it out into the world, he is answerable for the consequences.

Sir *Thomas Osborne* said, the bill was founded in resentment; a motive he was sorry should influence any gentleman to introduce so dangerous an experiment. [Here he read the title of the bill, with the charges of traitorous, seditious, libellous, and slanderous] Those charges, he said, had not been proved against the printer, but had been assumed as granted, and the House had acted from them as certain principles. Why were not the printers put on the proof of the truth of those libels, as they were called? and if they failed, punished? But, perhaps, they could have proved them true, and if they could, it would certainly be sufficient justification at law.

Mr. *Breoke* said, that though he was by no means a friend to licentiousness, yet he did not wish to restrain the liberty of the press, because he thought that the public measures of public men were liable to animadversion; besides, it was possible there might be a description of men, over whose actions there was no controul but that of the press; he said, there was no such law in England; if such a law had existed there, possibly we might never have heard of that celebrated writer, Junius; he observed this country was fond of following English precedents; he hoped we should not precede England in passing such a law. He had objections to many clauses in the bill, particularly to that which subjected a poor blind hawkers to three months imprisonment, by the sole authority of a magistrate, for crying about a paper, the contents of which he must be totally ignorant of; at least, whether it was libellous or not. He further added, that so great a subject ought not to be debated in so thin a House, at a time when all the country gentlemen had gone to their different allizes: he would therefore vote for the postponing this question for the present, as it ought to undergo serious deliberation.

Mr. *Coote*.—I hope the House will not a moment delay this bill. I am not an old man, and yet, Sir, I have seen such calumny and abuse thrown upon the very best men in the nation,

such daily publication of infamous libels, as proves the common law to be an insufficient restraint. Scandal, Sir, is reduced to a system, and a set of base wretches fatten on the spoil of characters. My wish is to drag those monsters into light, and punish them as they deserve. We punish with death a man who steals a guinea, while we suffer the plunderer of fame and honour to pass unpunished, never considering that, as Shakespeare says—

He who steals my purse, steals trash,
But he who filches from me my good name,
Robs me of that which nought enricheth him,
And makes me poor indeed!

Sir *Henry Cavendish*.—I am not for postponing this bill one single hour that can be avoided, for since some of the news-printers have fallen under the displeasure of parliament, they have, if possible, doubled their calumnies, as if it was in defiance of parliament.

It is true there is no such law in England, though I believe the English parliament would gladly have passed such a law some years ago, notwithstanding the licentiousness of the press in England never did arrive at the pitch it has done in this kingdom.

It has been said, that if we pass this bill, no person of credit will become a printer. This bill will rather tend to make the printers a reputable profession. At present the persons that publish news-papers are, at least some of them, a disgrace to society: wretches that live by vending scandal, and heaping calumnies, so often upon the most virtuous characters in the land: But if the news-printer can make money of the libel, he publishes without compunction.

Mr. *Gardiner*.—The continuation of abuse which is thrown upon one of the most virtuous characters in this House; a man to whom the trade and agriculture of Ireland is more indebted, than to any other person living, demonstrates the necessity of the bill. No man can serve this country as things are now conducted, without becoming at one time or other the object of calumny. I have experienced this myself, though now I happen to be a favourite, possibly with as little reason as my Right Honourable Friend is the mark for obloquy.

The licentiousness of the press is so great, that no man can rest one hour secure, that his character will not become the prey of some hireling defamer. A bill, therefore, to secure character from malignant attacks is absolutely necessary. Nothing can be more moderate than the principle of that which is now before us. It allows every man to publish whatever he thinks proper, only making him responsible for what he does publish. This is simply the principle of the bill; if there be any defect in its clauses, that may be remedied by going into a committee.

Mr. *Mason*.—The single question is, whether we will suffer news-printers to calumniate and defame the most worthy characters, whether we will allow them to excite the people to treason, to murder and rebellion, without making them amenable to the law of the land; or whether, by passing this bill, we will make every person responsible for what he publishes, and secure to worthy men the peaceable enjoyment of well-earned fame, or honest character?

Mr. *Brownlow*.—I am for the immediate discussion of this bill, as the necessity of some regulation is obvious. There are some parts of the bill I approve; I think it is right that the real name of every one who publishes a news-paper should be known, but the recognizance I think oppressive, and I believe it will produce a similar effect with that required of the linen-drappers. Honest men will rather throw up their trade than submit to the bondage of oaths and recognizances upon every occasion. However, I think we ought to go into a committee on the bill, because that is the place where it can be properly modelled. Gentlemen on the other side now see the propriety of going into a committee on this bill, but they could not see the propriety of going into a committee on the bill of reform.

Mr. *Foster* said, that not only the most meritorious actions were misrepresented to the public, through the medium of the newspapers, but actions were imputed to members of parliament, that never had any existence. When such things happened through ignorance or mistake, lenity no doubt would be shewn, though even mistake might prove very injurious to character; as for instance, said he, in Faulkner's paper of this day, it is very gravely asserted, "That Mr. Foster moved to take off the bounty on Irish linens exported." Now if this was not too absurd to gain belief, it might produce very just and very universal resentment indeed, when we consider that this paper, as old Faulkner used to boast, is read from Constantinople to Eyre Connaught. Yet this is but an error, and in a paper generally chaste enough. But what shall we say to those papers that undertake slander for hire, and deal out calumny for reward?

Sir *Edward Crofton*.—I think that this bill is unnecessary, and therefore hope it will at least be deferred for consideration. I will propose to gentlemen a mode, by which if they cannot avoid, they may despise calumny:—It is, to observe the precept contained in the motto of a Noble Peer—*Be just and fear*

not.
The *Prime Serjeant*.—If acting in conformity to that motto was a protection against calumny, the Right Honourable Gentleman who introduces this bill would never have felt its poisoned sting; or if every man who acts justly was bound to wear that motto, I would immediately direct the Clerk to write it out for every

member of this House—for surely gratitude will acknowledge that the members of this House acted justly to the nation.

No man regards the liberty of the press with greater reverence than I do, and therefore I am glad the press has become the object of law, because I hope its liberty will thereby be preserved. I do not wish to prevent men from printing whatsoever they chuse, but I wish to make them answerable for what they do print; I do not wish to repress the effusions of genius, but I wish to restrain the arm of the black assassin, and shield the character of innocence and honour from the envenomed dart which the secret hand of malice shoots from her dark retreat.

The respectable magistrate who opposes the committal of this bill, says it is unnecessary, because it gives us no new evidence, and because as the law now stands we can come at libellers, and he gives us for instance, the case with which we brought to our bar a man who was not the printer of the *Freeman's Journal*, and he quotes a second instance, of the case with which we did not apprehend Carey. I love arguments that apply so well to the subject—but I am sure if there were any better they would not have escaped the penetration of the respectable magistrate.

Another argument used by the respectable magistrate is, that there is no necessity for curbing the press, as it is not more licentious than usual—That Honourable gentleman does not see the daily publications of slander; his time is employed more profitably to the public than in reading news-papers, but was he to see them, he would declare with me, that they are a disgrace to the country, and if they were thought worthy to be translated into any other language, foreigners would suppose that we were a nation of dark malignants, regardless of fame and honour.

It is said that had such a law as this existed in England, we should not have had a Junius; that is not well proved, but I think it would have been no great evil, even if Junius had not wrote. But let us hear what Junius himself says on this subject. The principle of the English constitution, says he, is this, every man may publish what sentiments and opinions he thinks proper, provided he is ready to answer for them; and men should not fear that juries will not punish libellers; juries will always punish them if the fact be properly proved; if they are suffered to escape, 'tis the fault of the individual and not of the law. All this may be very true in England, but here, if we were to look for responsibility we should find some wretched creature not worth a shilling, and when he is to be called to account, we are told the miserable catiff has run away.

It is said that it would be idle and useless to take recognizance from a beggar for 500*l*. but the bill is intended to prevent beggarly slanderers from being the proprietors of news-papers, and holding the means of circulating treason or scandal.

The respectable magistrate says, that after all a man may, by a private press, convey his sentiments to the public. If then there are so many ways of doing mischief, can parliament be blamed for endeavouring to check some of them? This bill, Sir, will, I trust, be an ornament on the statute book. It will put into the news-printing trade a responsible set of people, and save the state from those (I do not like to call them as they deserve) wretches who have disturbed it.

Mr. *Hercules Langrish Rowley* declared himself against the bill; he knew of no necessity for it; he knew of no traiterous, scandalous, or malicious libels but one, that was the title of the bill itself, which was an infamous libel on the Irish nation.

Upon a division, there appeared for deferring the bill to the first of August,

Ayes, ———— 22

Noes, ———— 71

On Mr. Foster's motion, the bill was ordered to be committed on Monday next.

Mr. *Jones* then rose to observe to the House the indecency with which this measure had been hurried forward. It had been first proposed on Wednesday, read a first time on Thursday, a second time on Saturday, and was now ordered to be committed on Monday. It was also, he said, not only indecent, but something worse, at the end of a session, in so thin a House, to steal this bill on the people. There were but ninety members in the House now, perhaps there would not be so many on Monday.

The House in a committee on the bill for granting 15,000*l.* in bounties on exportation, went through the same, and ordered it to be reported on Monday.

Afterwards the committee of the whole House sat on the bill for compelling the accounts of the public monies. The committee, on the Provost's motion reported some progress, and desired leave to sit again on Monday.

MONDAY, APRIL 12, 1784.

The House resolved itself into a committee on the bill for securing the liberty of the press, &c. Mr. *Mason* in the chair.

A conversation took place between the *Prime Serjeant* and *Attorney General* on the one side, and the *Recorder*, Mr. *Brownlow*, and Sir *Edward Crofton* on the other side, in which it was agreed, that only that clause of the bill which compels the printer of a news-paper to put his name thereto, should be retained, to-

gether with so much of the other clauses as were necessary to carry that principle into effect.

Mr. *Grattan* said, the necessity of the first clause of the bill—that for making known the real name of the printer or proprietor of every news-paper was apparent, and if carried with unanimity, would produce the most salutary consequence.—There is one paper, said he, which teems with exhortations and incitements to assassination, which daily publishes such atrocious matter as would not be suffered in any country existing. Parliament is called upon to check such proceedings, and to guard the liberty of the press from the injury it may receive, through the scandalous and licentious conduct of the news-papers. I have no idea of wounding the liberty of the press, but if it be suffered to go on in the way it is at present, one of those two things must ensue—it will either excite the unthinking to acts of desperation, or it will itself fall into utter contempt, after having disgraced the nation. To prevent either of which consequences, I think parliament is called upon to interfere consonant to the spirit of the constitution, not by imposing any new penalty, nor by compelling printers to have their public actions licensed, but merely to oblige them to put their names to their news-papers.

The Right Honourable Mr. *Brownlow* declared, he saw the absolute necessity of compelling the printer or proprietor of every news-paper to put his name thereto. The late scandalous publications made this a matter of absolute necessity, and therefore he would vote for the bill so far as it pointed to that object.

The *Attorney General* said, that whatever some gentlemen might have formerly thought, that the violent publications had no effect upon the peoples minds, the contrary appeared very visibly. There is now, said he, a person in prison on an information, for having with others conspired and employed assassins to murder no less than seven members of this House. The conditions were, that the murderers should, upon performance of the business, receive an hundred pounds, and in the mean time they were actually furnished with money, pistols, ammunition, and bayonets. They were also instructed to use the latter weapon, because it would neither miss fire nor make a noise. It was also conditioned, that if any of the seven gentlemen, amongst whom I have the honour to be one, should escape, that then the assassins should murder any one of the majority who voted against the protecting duties, and that that should be counted as if such member was one of the seven proscribed by name. Now, Sir, though I feel as little terror as any other man, yet I will exert my life and fortune, every faculty of my soul, and the last guinea of my property shall be employed to extirpate from this

land, assassins, a race of miscreants with which indeed it has but very lately been disgraced.

The Right Honourable Mr. *Gardiner*.—I have been in some degree, the innocent cause of the disturbances that have prevailed of late, but I trust the House will do me the justice to recollect that I did declare in November last, upon the very first appearance of them, that if the people would not desist from all violence, and demean themselves in a peaceable manner, I would abandon the cause which I had undertaken. And could I have foreseen the tumults that have happened, I certainly would have been as good as my word; nor will I in future ever undertake the smallest thing for the relief of the manufacturers, if the people continue to act so improperly as of late they have done; and I hope the gentlemen who divided with me upon the question of protecting duties will make the same determination.

As to the bill now before us, the first clause is on all hands admitted, and the necessity of the last (by which the hawker of any unstamped, inflammatory, or libellous paper may be compelled to prove from whom he received it) is obvious. It was by the inflammatory hand-bill lately dispersed, that all this tumult has been excited, as I am well assured by the working people themselves, who declared that they had no idea of stirring 'till they saw it.

I must say once more, that had I foreseen what was to happen, I never would have undertaken the cause of the manufacturers; and I feel myself extremely hurt at the improper conduct of the working people; I lament on their own account, because parliament never will be driven into measures; and though otherwise what I proposed might be taken up and carried into effect, perhaps in a lesser degree, yet while riot and disturbance continue nothing can be done.

General *Luttrell*.—No country was ever disgraced in the manner this has lately been; nothing less than essays in praise of murder, investigating the different means by which it may be perpetrated, and giving preference to the poignard as the most certain and least dangerous to the assassin. There is no place in the world where excitements to murder would be permitted; and if the mobs here commit murders, they must be attributed to the news-printers, who, not content with assassinating characters, now proceed to the shedding of blood. The bill before us will, I hope, remedy this enormity, and also another which we have lately imported from London, that is, the raising contributions by defaming or threatening to defame innocent persons. I hope a news-printer shall no longer be able to say, give me so much money or your character shall be destroyed by calumny. This is like the means used to raise contributions by a set of infamous miscreants in England, against whose practices the

legislature of that country was compelled to exert itself; they used to threaten persons, that if not paid for silence, they would accuse them of crimes which to mention, shocks our nature: How much better have been the practices of some news-printers here?

The committee then proceeded through the different clauses of the bill; every thing not necessary to the leading principle, being struck out by mutual consent.

The bill thus altered, passed the committee, and was reported.

TUESDAY, APRIL 13, 1784.

The following bills received a third reading, were passed, and ordered to the lords.

The bill for appropriating the sum of 15,000*l*, for the encouragement of manufacturers, by the payment of premiums.

The bill to prevent the delays of justice by privilege of parliament.

The bill to compel all persons who have received parliamentary grants, to account with the commissioners of imprest for the expenditure of the same, within the last three sessions.

The bill to secure the liberty of the press, by preventing the abuses arising from the publication of traitorous, seditious, false, and slanderous libels.

The order for discharging the attendance of Henry Joy, of Belfast, was, on the motion of Mr. Jones amended, by including the exemption of Robert Joy, of Belfast; so that the attendance of Henry Joy, junior, only is required.

The *Prime Serjeant* moved, That an humble address be presented to his Excellency the Lord Lieutenant, that he will be pleased to represent to his Majesty to grant a compensation to the officers of the courts for what they may lose, by all sums of money vested in them being lodged in the National Bank.

A committee was ordered accordingly to prepare the address.

Mr. *Thomas St. George* moved, that the proper officer lay before the House, an account of the net produce of the duty of one shilling per barrel on all herrings imported; which duty is applicable to the encouragement of the north-west fishery. Ordered accordingly.

Mr. *Hayes* presented a petition from Morley Saunders, Esq; complaining of an undue election for the borough of Baltinglats, in the county of Wicklow, in the person of Sir John Allen Johnion.

Ordered, that the said election be tried on the 5th of May next.

The House then adjourned to Monday next.

MONDAY, APRIL 19, 1784.

A message from the lords, that they had agreed to the following bills :

An act to secure the liberty of the press, by preventing the abuse arising from the publication of seditious, traitorous, false, and slanderous libels, by persons unknown—without any amendment.

An act directing the application of 15,000*l.* for bounties on wool mixed with cotton, thread, kentings, and manufactures of iron and copper—without any amendment.

An act for the due accounting for money granted for all charities and hospitals, and in future of money intrusted to the corporation for carrying on the inland navigation, the trustees of the linen manufacture, Dublin Society, paving corporation, and others therein specified—without any amendment.

An act for altering, amending, and rendering more effectual, the laws for regulating the goals and prisons of this kingdom—without any amendment.

An act for the easier discovery of persons buying and receiving stolen goods—without any amendment.

An act for depositing the money and effects of suitors in Chancery or Exchequer, in the National Bank—without any amendment.

An act for buying and selling malt by measure, and preventing frauds in the buying, selling, and delivery thereof—without any amendment.

An act for continuing and amending the bill for the improvement of the city of Dublin, for making wide and convenient the passages thereof, and regulating the coal trade thereof, and other purposes—without any amendment.

An act for preventing of the counterfeiting the coin of this kingdom, and uttering and paying of the same—without any amendment.

An act for indemnifying the persons advising and executing the proclamation of the Lord Lieutenant and Privy Council of this kingdom, bearing date the 27th of January, 1784—without any amendment.

An act for the relief of the creditors of John Tunnadine, late one of the Masters of Chancery of this kingdom, and vesting his

estates in assignees for the payment of his creditors—without any amendment.

An act for encouraging the growth and planting of timber trees—with amendments.

An act for the discovery of houghers, and the maintenance of people houghed—with certain amendments.

An act for the encouragement of the linen and hempen manufactures—with amendments.

An act for making more effectual the act enabling the clergy to build on their glebe lands, and appropriating parishes and vicarages to bishops and archbishops—with amendments.

The following bills passed in the lords, were at the same time, sent for the consent of the commons, viz.

A private bill, to settle Mr. Enery of Cavan's estate.

An act for reviving and continuing temporary statutes.

Mr. *Holmes* said, he would take advantage of the moment's leisure which he saw arise in the House, to point out the deplorable situation of many of their fellow creatures, who were languishing in all the miseries of a prison, cut off from the hope of relief, by the rejection of the insolvent bill in another House. This bill would have relieved from various prisons, one thousand persons whose confinement comprehended the happiness or unhappiness of at least four thousand more; and their distress could not possibly be conceived by any person who had not his attention roused by an examination into the state of the goals, as his had been. He found in one room which he examined, no less than twenty-seven persons confined, in a space of eighteen feet long, by sixteen feet wide, upon four of whom depended the sustenance of forty-two children. At the same time that he mentioned this, he declared himself no friend to the general principle of insolvent bills; but the general calamity was at present so great, that he hoped if the session was then considered too far advanced to introduce another insolvent bill, that it would at least be taken up early in the next session; and something be devised, in the mean time, to prevent such a number of persons perishing through want, as no provision had been made by law for their subsistence.

General *Luttrell* declared, he was a stranger to the idea that a creditor could confine a debtor, and leave him to perish. His notions were grounded on the law of England, where the creditor was obliged to maintain the debtor. He then commended the humanity of the Honourable Gentleman who had laid the information; and recommended him to prepare a bill without delay, to compel the creditor to maintain the man he should deprive of his liberty. Even at the advanced state of the session, an act of such humanity could not be deemed too late, as every humane member of the House would be ready to assist him.

Mr. *Griffith* thanked Mr. *Holmes*; as from reading Mr. *Howard's* state of the prisons in Europe, he was the more convinced of the necessity of such a law.

Mr. *Holmes* said, he was happy in the concurrence of the House; and would retire, and not lose a moment in the preparation of a bill, to compel creditors to afford some small maintenance to those they thought necessary to keep in prison.

Mr. *Matthew Carey*, charged with being the printer of the *Volunteers Journal*, was brought to the bar, in custody of the Serjeant at Arms.

The *Speaker* informed him that he was not bound to answer any question that could tend to criminate him or injure his cause.

Mr. *Molyneux* was then proceeding to interrogate Mr. *Carey*, when

The *Attorney General* arose; he said it often happened that questions put with no unfriendly design, drew forth answers very injurious to the person in question; if therefore the person at the bar was well advised he would not answer any question, lest his answer might hereafter be used against him in a court of justice.

The *Speaker* then asked Mr. *Carey*, if he had any thing to say.

Mr. *Carey*—"Mr. *Speaker*, I do not admit the authority of this House to take cognizance of me; I am shortly to be tried by my country in a court of justice. This honourable House, Mr. *Speaker*, is not a court of justice, and therefore I am not bound to answer any question at your bar."

Right Honourable Mr. *Foster* moved, that the Clerk at the table should read the *Volunteer's Journal*, containing the obnoxious paragraphs, which being partly done,

The *Prime Serjeant* arose—He desired the Clerk might read no more, what he had read was shocking to the ear; it had been justly voted a false, malicious, and seditious libel, tending to excite rebellion among the people, and to create division between this country and Great Britain; the publisher was at the bar, and it remained for the House to vindicate its own honour.

Sir *Edward Crofton*—Though I always hope to be considered as a defender of the liberty of the subject, I trust no man will suppose me a friend to scandalous libels, or to any writing that tends to excite rebellion. As to the person at the bar, I never saw him before this hour; I cannot therefore be deemed guilty of partiality to him in speaking one word in the cause of humanity. Sir, the treatment that that person has received has been unprecedented: He has been forcibly taken out of the power of the civil magistrate, and confined a close prisoner, denied the use of pen, ink, and paper, and surrounded by a military guard. Sir, as I passed through *Abbey-street*, I was surprised to see

triple ranks of soldiers drawn up before the house of your Serjeant at Arms: The thing is too ridiculous, one would think so great a force was to guard some person of gigantic strength and stature, a Gulliver in Lilliput, and not a poor pious printer in Dublin.

Mr. *Griffith* said, he found himself alarmed at entering into a contest with the great array of legal abilities drawn up against him; but unequal as the struggle must be, he would stand forth in defence of the subject's liberty.

The *Prime Serjeant* begged to interrupt him till the whole of the subject should be before the House; he would then have full liberty to display his talents, and he doubted not they would be exerted in support of the laws of the land, and in defence of the privileges of the House.

Captain *Thomas Burgh* then stated, that on the 3d of April, he, accompanied by Mr. Bolton, an Honourable Member of the House, went to the shop in Abbey-street where the Volunteer's Journal is published, in order to subscribe for the paper for the Rev. Mr. Downs, of Waterford, who had written to Mr. Bolton so to do; they paid five shillings and eight-pence, being one quarter in advance; that Mr. Bingley received the money, gave change, and wrote a receipt, which he handed to Mr. Matthew Carey to sign; and that Mr. Carey did sign the receipt.

Mr. Carey was again asked, whether he chose to say any thing in his defence? He said that his cause being before a court of justice, he would not speak on that subject to the House, which had no right to take cognizance of it; but he would complain to them of the hard usage he had received from their Deputy Serjeant at Arms, which he was confident had not been warranted by any order of the House, by any command of the Speaker. [Right Honourable the *Speaker* here said no, no, with manifest displeasure at hearing such a complaint] His friends had been denied admittance to him—again they were admitted.—He was denied the use of pen, ink, and paper—again he was allowed it.—Sometimes his letters passed free—sometimes they were examined—upon the whole, he could not think such conduct proceeded from any regular cause—it arose, he supposed, from the insolence of office.

The Right Honourable the *Speaker* said, an enquiry would doubtless be made into the conduct of the Serjeant at Arms, and the House would act with justice upon that as every other occasion.

Captain *Jephson* said, he had very good reason to believe that the charge against the Serjeant at Arms was groundless, and void of all foundation in truth.

The Right Honourable *John Foster*.—It is not a very pleasant task to punish offenders, but it is sometimes absolutely necessary, and as, after what has passed, there can be no doubt that the

abominable libel read at your table was published by Matthew Carey, and that the publisher of it deserves every punishment this House can inflict, I shall move you first, "That Matthew Carey, in publishing the said libel, is guilty of an high breach of the privilege of this House."

Mr. Jones of Lisburn said, he thought the motion redundant and unnecessary.—It was unnecessary, because the man was to be tried for the same offence by due course of law; and it was redundant, because no man ought to be punished in a two-fold manner for one offence.

Right Honourable John Foster.—There is no prosecution against Carey for a breach of privilege of this House; the House is the sole vindicator of its own privilege; it has voted the paper which was read a false, scandalous, and seditious libel on the proceedings of the House, and after that I leave it to any man who holds our privileges dear, whether the printer ought not to be punished.

Mr. Griffith.—There is no proof that the person at your bar is either the printer or publisher of the Volunteer's Journal; all that has been alledged is, that he gave a receipt for money paid for that paper. He might be the treasurer or clerk to the company that carry it on, and this shall be my opinion till I hear from the gentlemen on the other side some reason to make me change it.

Mr. Rowley.—There is no evidence of this charge before the House, but that of an Honourable Member who saw Carey sign a receipt on the 3d of April. We have no examination on oath to warrant any punishment, nor can I tell by what authority this man was brought before you. I am for preserving the liberty of the subject. I think the charge ought to be proved by sworn evidence, and as that is not the case, I must vote against the present motion.

Mr. Molynaux.—I think the House has already acted with great injustice to this man, and it would better become us to make him a recompence at our bar, than to persist in persecuting him. Sir, he was taken upon a warrant which no magistrate, which no constable that knew his duty would admit to be of any force:—He was taken upon a warrant for having signed a receipt: He was carried to the castle amidst armed guards, which shews the necessity of a large military establishment; and now he is to be punished by the Commons. Sir, if Carey was to take my advice, he would bring his action against his Majesty, and against the officer of this House, for false imprisonment. This man is to be tried by a jury of his country, and this House is going to pre-judge his cause, though the only evidence before us is that of an Honourable Member, who saw him sign a receipt on the 3d of April, several days antecedent to the publication of the paper

complained of; but will any Honourable Member of this House say that he might not have transferred his property between the signing of that receipt and the publication of what is called a libel? Or will any gentleman say, that a predecessor is to answer for the faults of his successor, or the successor for his predecessor? If so, the Right Honourable Gentlemen on that bench would have much to answer for. I am for maintaining the privileges of this House, as much as any man; but I am also for maintaining the constitution, and if public men and public measures may not be examined, there is an end of the little shadow of liberty we have to boast—no—let us examine this publication that is called a libel.

Mr. Moser.—I call the Honourable Gentleman to order; the House has voted that paper a libel on our proceedings, and I will not allow any man to attempt to justify it.

Mr. Molyneux.—The Volunteer's Journal has been accused of exciting rebellion, and instigating people to assassination. If any gentleman's frightened fancy presents a dagger to his view—if he starts with conscious apprehension of halters and gibbets, should the unfortunate printer be punished for this?—yet this was made the pretext for carrying a late bill through the House—a bill that destroys the liberty of the press; I am sorry I was compelled to be absent when it passed, it should at least have one negative more had I been here.

The Attorney General.—I do not mean to reply to the Honourable Gentleman, I shall only observe, that if he chose to go the northern circuit in preference to attending his duty in parliament, he has no right to condemn any act passed in his absence, by those who staid here to discharge what they owe their country; I must inform him that the assassinations spoken of, have not been lightly imagined, for several examinations and informations have been given on oath respecting that matter. I shall take no notice of the very uncommon expressions the Honourable Gentleman has used, I shall only observe, that he has a warm temper, and a copious vocabulary.

Mr. Griffiths said, the privileges of the Commons were granted to them as a shield against the prerogative of the crown, not as a means of oppressing the people; they were necessary when granted, and with respect to the crown, should always be watched with a jealous eye, but with regard to the people, nothing was to be apprehended. In England, he said, the Commons were the democratic part of the state, the representatives of the people, notwithstanding all the defects of the constitution; but here they were the representatives not of the democracy, but of the aristocracy, and therefore the people were not so anxious about their privileges.

Right Honourable *John Foster* said, he never thought he should have borne to hear any man say that the Irish House of Commons was inferior to that of England; but as the Gentleman who had spoken to that effect was a young Member, he would overlook it.

Mr. Alderman *Warren*.—I move for the discharge of Mr. Carey, because he was taken out of the hands of the civil officer by the Serjeant at Arms; he has continued in that custody ever since; it is I think illegal, and the man ought to be discharged on that account.

The *Solicitor General* was for the commitment, and said the Honourable Gentleman had produced only one instance which could be brought in favour of the prisoner, and that was from one libeller in defence of another. He then quoted precedents for commitment from both the English and Irish House of Commons, and from men of the first abilities, and proved that every court has this power; if that is the case, then surely the first in the kingdom must have the same power.

Counsellor *Lloyd* said, he admitted the power of the House to commit for contempt or breach of privilege, but Carey was arrested by a magistrate, and was therefore in custody of the law. The Speaker's warrant takes him from the magistrate. This is a clashing of jurisdictions. This House may take him up after the law has done with him, but ought not before. The law will not meddle with him if he is committed by this House, the court of King's Bench will not grant an information, because he has been already punished; a grand jury will not find a bill of indictment for the same reason. The Attorney General will be obliged to file an information *ex officio*, and even then, a petty jury will not find him guilty; for the punishment operates as a pardon; in fact it is an atonement, and though he is now guilty, he will not be so after the punishment by confinement. Thus, the House takes away the authority of the common law.

Mr. *Griffith* said, that the frequent and unnecessary interference of military force, under pretence of assisting the civil power to execute the laws, was an infringement of so daring a nature upon the liberty of the subject, that it called aloud for redress, and it would well become the dignity of that House, to vindicate itself from the imputation of quietly acquiescing under so flagrant a breach of the constitution.—He said that the late censure which the House of Commons had passed upon the Lord Mayor for not having called in military force before it was necessary, was, in his opinion, a very high eulogium on the virtue of that magistrate; it had, however, he feared, served to intimidate another magistrate from resisting the importunities of the secretaries, to call in a military force on a very improper occasion. Every one had seen the prisoner at the bar, marched

through the peaceful city in open day, under a numerous guard, in all the solemn parade of a military execution! Upon what pretence was that guard called for or granted? Was any resistance offered? Was any rescue attempted? No such thing—it was an insult upon the chartered rights of the city, and it was intended to intimidate the citizens—it therefore became necessary to declare, that it is the opinion of this House, that any magistrate who unadvisedly, unnecessarily, or wantonly calls in a military force to execute the laws, for the purpose of intimidating the people, is an enemy to his country.

Mr. *Hamilton* said, that on a late occasion the magistrates had declared the civil power insufficient without a military force.

Alderman *Warren* observed, that the city could not afford a proper establishment of peace officers, and that the magistrates on many occasions found the assistance of the military absolutely necessary to protect houses from attacks of the mob, who, among other outrages, often laid the bodies of hanged persons at the doors of their prosecutors, which never failed, when the guards were not called, to cause great depredation.

General *Luttrell* said the question was an unnecessary truism, and denied its necessity; in which opinion he was followed by Mr. *Mason*.

The *Prime Serjeant* moved the previous question, which being carried without a division, the main question was lost.

William Bingley was then called to the bar, which being let down, he asked the House if they knew that he had entered into a recognizance of 2000*l.* to stand his trial for the offence they would accuse him of.

The *Speaker* said, that matter was not before the House.

Mr. Bingley then said, he had evidence to prove himself neither the publisher or printer of the *Volunteers Journal*, but that his close confinement had prevented him from proving it till to-morrow.

He was then remanded to the Serjeant at Arms until to-morrow.

TUESDAY, APRIL 20, 1784.

Mr. *Annesley* said, that as Mr. *Carey* yesterday had charged the Deputy Serjeant at Arms with cruel usage during his confinement, he thought the House called upon to enquire into the fact; for which reason he moved, "That a committee be appointed to enquire into the conduct of the Deputy Serjeant at Arms, with power to send for and examine persons and papers;

and that the Speaker may order Matthew Carey to be brought up from Newgate."—Ordered accordingly.

The order of the day for the further examination of William Bingley, being read, he was accordingly brought to the bar.

The *Speaker* said—Mr. Bingley, you declared yesterday that you would this day produce evidence that you were not the printer or proprietor of the *Volunteers Journal*; have you that evidence ready?

Mr. *Molyneux* objected to Bingley's proceeding on his justification until some charge was made against him; for as yet no charge, in his opinion, had appeared.

Counsellor *Langribe* declared, that the prisoner, Bingley, had applied to him to pay stamp duty for some unstamped *Volunteers Journals*, and had then said that the papers he came to pay for had been worked off unstamped by his direction.

Mr. Bingley asked the Hon. Member whether he (Bingley) had declared himself the printer or proprietor.

Mr. *Langribe* could not say.

Sir *Edward Newenham* said, the precarious situation of the health of some of his family, in a distant country, obliged him to leave town to meet them; that circumstance only prevented his being present on yesterday's debate, as he would most cordially have joined the minority in every question in favour of the oppressed printers; for he was sorry to observe that matters were carrying on against them with a high hand. He pleaded for the justice and humanity of the House to consider the multiplied punishments they were accumulating upon those unfortunate men. Was it just to punish men twice for the same crime, even were they guilty? He told the House, in plain terms, that no Irish jury would be found to convict and condemn, a second time, men who had been tried, convicted, and condemned to pains and penalties by another judicature; no jury would be found blindly to follow the partial dictates of any man or body of men. When these men, whom this House now punishes with fines, hard usage and imprisonment, appear before a petty jury, that jury will naturally carry in their minds a fact, that they had been tried and punished with fine and imprisonment. He asked the House would they wish to deprive the prisoners of the finew of legal assistance—money—to see council and employ agents, as the fees of the Serjeant at Arms and keeper of Newgate might absorb every shilling they were possessed of. He then moved, that William Bingley be discharged without paying any fees.

Mr. *Boyd*.—I am of opinion that Bingley should be discharged, and without fees. The House cannot do him a greater favour than by committing him, if he be guilty of the libel attributed to

him; for the proceedings of the common law against him, will be thereby totally suspended.

If he is the libeller supposed, this House cannot inflict an adequate punishment; his confinement will end with the session, probably a fortnight hence. It has been said, the court of common law will proceed against him afterwards; that I absolutely deny; that he has been already punished for the same offence, precludes an enquiry at common law.

Nemo bis punitur pro eodem delicto is a maxim. The court of King's Bench will refuse to grant an information on this ground. On the same principle, a grand jury will refuse to find a bill of indictment. And then you reduce my worthy and Right Hon. Friend on the opposite bench, to the necessity of exerting the most invidious part of his duty, that of filing an information *ex officio*; and when that is done, all is done; for a petty jury never will, and ought not to find him guilty.—The petty jury will argue thus, and justly; the court of King's Bench would have refused an information, that is to send him to trial; the court therefore thinks he ought not to be brought to trial; and if so, certainly he ought not to be found guilty. But, Sir, the argument goes further; for, in fact, after undergoing the punishment awarded by this House, he is no longer guilty; his offence, his guilt is done away by the punishment. For an offence, punishment operates like a pardon; the jury, therefore, will act wisely, humanely, and I add legally, by finding him not guilty. Added to these considerations, he was previously arrested by the process of the common law, by a magistrate competent; your warrant has taken him out of the custody of the law, which had power to award an adequate punishment, if he is guilty. Sir, I am for restoring him, therefore, to that tribunal, whose process had first attached him, and after the law has taken its course, and punished him for the public offence, this House may, if it thinks proper, (but which I will ever oppose) exert their privilege in punishing him for the offence against the commons. I therefore agree with the Hon. Member, that he should be discharged from the custody of the Serjeant at Arms, and without fees.

Mr. Bingley then called Mr. Moncrieffe, and Mr. Hamilton Smith, who proved that he was a person in distressed circumstances, not in a situation to maintain the expence or become the proprietor of a newspaper, but was employed as a clerk to receive and pay money. As this account perfectly accorded with Captain Burgh, who had seen Bingley write a receipt, and hand it to Mr. Carey to sign, and had also seen him receive money for the Volunteers Journal; and as it was represented that his circumstances were of the most distressed kind, the House seemed disposed to proceed with the utmost lenity towards him, especially as he threw himself upon their clemency.

Mr. *Fogler*, therefore, after declaring that he was happy to find the prisoner had been able to acquit himself of the charge against him, moved, that William Bingley be forthwith discharged without fees.

Mr. *Molyneux* said he had perceived in a part of the north, from which he was lately arrived, very great alarm and discontent spreading amongst the people concerning a bill, which they apprehended would restrain the exportation of linen, by restraining the bounty to ships cloathed with Irish sail cloth; and as he had not read the bill, he requested the Right Hon. Gentleman who had brought it forward would favour him with an explanation.

Right Hon. *John Fogler*.—Every day furnishes new instances of the mischiefs which arise from persons misrepresenting in the newspapers, not only the speeches of our members, but even the acts and proceedings of this House. Whether this be done through ignorance or design, the bad consequences are the same; and though, so far as they relate to me personally, I can despise them, yet it is obvious that very great inconveniencies arise from the newspapers misinforming and misleading the people.

There cannot be a stronger instance than the act to which the Hon. Gentleman refers. I introduced that act, and it has not one syllable in it of what the Hon. Gentleman states. The only mention made in it of sail cloth is, a clause calculated for the encouragement of sail cloth, by requiring the master of every fishing buss, after the first of January, 1785, to prove that he is furnished with Irish sail cloth, before he can obtain the fishing bounty.

I do not wonder this assertion of the news papers should at first produce a very just alarm amongst the people of the north; but I wonder it should continue. Such, however, is the credulity of people to whatever they see in print, that in Newry, a petition has been framed, and sent up express to oppose it. The people there were told there was no such bill, they were told it from an authority that ought to have been respected, but in vain;—the news papers had asserted it, and the news papers could not err, so a petition must be sent up express. Belfast too has been alarmed, and it is at this moment firmly believed there, and at Newry, from the falsehood of these news papers, that I, who have made it my favourite object to obtain a bounty on the exportation of linen, and who never have omitted a single opportunity of promoting that manufacture, have all on a sudden changed my conduct, and, by one act of violence and injustice, totally overthrown that system of bounty which it was my pride to have raised.

One would hardly think that a more absurd and unjust calumny than this could be propagated, yet others still more ridiculous

have been invented, and circulated by news papers, too absurd indeed for me to mention seriously; but yet addressed to such people as believe every thing they see in print.

For a great part of this session I have, with the assistance of many worthy members of this House, prepared and forwarded a bill to regulate the corn trade of Ireland. The objects of that bill are to encourage tillage, to protect the farmer, and to enable the people to purchase bread on moderate terms. The very reverse was immediately reported; it was said "that Mr. Foster had brought in a bill, to declare that no man in Dublin should have his bread at less than two pence a pound, and that the twelve-penny loaf ought never to weigh more than six pounds;" though every intention of the bill is to bring bread cheaper to the people than it has been, and to give it at half the above price.

But, Sir, they have represented this Mr. Foster as a wicked man indeed; they have observed that his hair is sometimes undressed, and malicious incendiaries have taken advantage of this to raise the whole tribe of hair-dressers against him; they have reported that he is an enemy to hair-dressers, and is resolved to tax their trade with a shilling on each dressing. They have reported too, that like one of the candidates for Westminster, he dislikes maid servants, and has brought in a bill to tax them; that he declares three pounds are wages sufficient for them, and six pounds for men servants, and that he has brought in a bill for the purpose. That he says, no artificer ought to receive more than one shilling a day, and has brought in a bill for the purpose: that he hates one-eyed persons, and has brought in a bill to tax them; that he cannot bear to see people walking out in the country to take the air, and has therefore brought in a bill to establish turnpikes on all the roads round Dublin for foot passengers. These, and a thousand other monstrous falsehoods have been told of him; and in a word, this Mr. Foster, whose sole study has been to promote the prosperity of his country, and render the people happy and contented, is represented as the worst of men—discouraging manufactures—oppressing the poor, and turning distresses into taxation. I could go on with a long detail of the falsehoods propagated against me, but what I have mentioned may serve as a sample. The man against whom such egregious lies are circulated can despise and laugh at them; but it becomes a serious concern when the peace of the country is to be disturbed, and the course of trade interrupted by their abominable untruths.

The *Provoſt* called the attention of the House to a subject that he thought required to be considered, for the regularity of their future proceedings. He observed that the constant practice in the House of Commons in England, when any motion

was made in which the crown was interested, was to have the consent of the King signed by one of the principal of the King's servants, and that such consent was always entered on their journals; he had always wished that a similar mode of proceeding should have been adopted by this House, but that the uniform practice had been otherwise. He said, that in several instances relating to the King's hereditary revenue, no such consent had been given; and called upon the Speaker, and the members of the greatest experience, to mention any instance where the consent of the crown had been signified; and recollected, that since he had been in parliament a bill had been brought in, which passed into a law, for changing the constitution of the corporation of Dublin, without any such consent. He took notice that an act had been brought in, in the 10th of George I. for erecting in this college three new fellowships, and two professorships, without the signification of any consent of the crown to the House. He said, the charter incorporating a King's professor in physic, was repealed by an act of parliament passed in the year 1741, that no consent of the crown to that act of parliament appears on the commons journals to have been given, and that he had authority from the nobleman who had brought in that bill, to say that no such consent had been given. He said, that the lecturers in botany, anatomy, and chemistry, were not founded on the charter or statutes of the college, and were paid by the students. He acknowledged that no bill in any respect changing that charter, or those statutes, ought to have been brought into the House without his Majesty's previous approbation, but that it had not appeared to him, that the bill lately before the House relative to a school for physic, interfered in any respect with the constitution of the college, but on this subject other persons were better judges, to whose opinions he submitted with great deference. He expressed his concern that any subject relative to science should have occasioned any difference of sentiments as to religious subjects; that the part of the bill which opened the professorships to persons of all religions, was the plan of the college of physicians; that this plan, and the resolutions in the committee, had been communicated by him to the senior fellows; that no objection to the part relative to the religion of the professors was made by any of them; that the bill was framed by the order of the House, in pursuance of those resolutions, in which he had the concurrence of both colleges, which he declared to the House at the time of bringing in the bill.

He said he was happy that by our constitution as it now stood, if either House fell into an error, it could be rectified by the wisdom of the other; and that it gave him great pleasure to find that there was no difference of opinion as to the

principle of the bill, which, he flattered himself, would pass with general approbation in the next session of parliament. He declared explicitly, that he had no intention to allude to any thing that was said in the other House of Parliament, and rose only for the purpose of stating facts to the House so far as they related to their own proceedings, and to recommend that more attention should be given for the future to subjects in which the interests of the crown were concerned; but added, that so far as this subject related to Dunn's professors, the crown had no interest, the foundation of these professorships being by the will, and the property of a private man, though they had been called King's professorships, without taking any notice of the donor, whose will did not appear to him to confine the professorships to persons of any particular religious persuasion.

The *Speaker* being appealed to, declared that the mode of proceeding had been as stated by the Provost.

The Hon. Mr. *Bouke* confirmed what had been stated, that no consent of the crown had been given for bringing in the act for the appointment of the present professors.

WEDNESDAY, APRIL 21, 1784.

This day, at four o'clock, the committee appointed to enquire into the conduct of Mr. Lestrangle towards Mr. Matthew Carey, met in the *Speaker's* chamber, but soon after moved into the body of the House as a more public and convenient place for proceeding in the business to them referred.—The Honourable Richard Annesley took the chair.

Mr. Carey was called upon to state his charge; which he did, dividing it into three heads.

First, That he was denied the free use of pen, ink and paper; whatever he wrote being inspected by Mr. Lestrangle.

Second, That he was denied the converse of his friends; several persons being refused admittance to him. This he thought was dictated by caprice, as Mr. Lestrangle's conduct in this point was not uniform; for at some times he gave his friends free admission, and at other times he prevented them from any access.

The third charge was, that Mr. Lestrangle kept two, or at least one centinel always in the prisoner's chamber with drawn bayonets or bayonet; and besides, he incommoded him with a number of peace officers, so great, that he could not at any time that his friends were admitted, converse with them in privacy.

He concluded with saying, that he would not have exhibited any charge, if Mr. Lestrangle had made a proper apology to him.

Mr. Lestrange admitted the three several charges, and justified his conduct under each.

He said, that from the time of his bringing Mr. Carey home to his House, he was in continual apprehension of his being rescued by a mob; that his apprehensions upon that head were confirmed by Mr. Carey himself, who in conversation at dinner, to which Mr. Lestrange invited him the first day of his imprisonment, (and indeed every succeeding day, though Mr. Carey accepted the invitation only on the first) did declare to Mr. Lestrange and his friends, that if there was not a guard to prevent it, his house would be levelled with the ground.

Mr. Lestrange said, that from this and every other circumstance relative to Mr. Carey, he considered himself as in a very dangerous situation while he had him in his house; that, therefore, he gave directions that whatever he wrote should be brought to him, and pass under his inspection before it was sent away; and the very first paper he inspected he thought justified his caution—It was a letter, not sealed, but directed, he said, to some person whose name he did not recollect, who managed Mr. Carey's business:—It desired that person to be very attentive and careful of the business, and to have, at least, three columns for nervous paragraphs.

As to denying admission to the friends of Mr. Carey, Mr. Lestrange did confess that once or twice he did deny persons admission; but this was on account of the very great confusion which the concourse of persons, necessarily assembled about Mr. Carey, occasioned in Mr. Lestrange's family; and as to the third charge, he justified his conduct by declaring, that he was every moment in apprehension of a mob assembling to rescue Mr. Carey. Upon the whole, he said, that having a prisoner such as Mr. Carey in charge was a new situation to him; that he had received no advice or direction from any one how he should conduct himself, but had acted with caution to the best of his knowledge, and with a sincere desire to discharge his duty faithfully.

He desired to produce evidence to establish what he had advanced.

The first evidence was Mr. Henry Holmes, doorkeeper of the House of Commons. He corroborated what Mr. Lestrange had alledged in general, with some additional circumstances. He said he was the person who brought for Mr. Lestrange's inspection, the letter which had been mentioned; that it was directed to Mr. Matthew Doyle, desiring him to be very careful of the business, and to have at least three columns of nervous paragraphs. That Mr. Lestrange and he thought it would be an high breach of duty to pass such a letter, and that he had brought it back to Mr. Carey with that declaration, at the same time cautioning him against sending such papers, as they might be produced in evi-

dence against him on a trial. Mr. Carey, he said, seemed well satisfied with this kindness, and immediately threw the letter into the fire. He then returned thanks to Mr. Lestrangle for his conduct.

Mr. Holmes further said, that he was very frequently at Mr. Lestrangle's house with the prisoner; that though at first Mr. Lestrangle had given orders that no paper should pass without his inspection, yet these orders were not afterwards enforced, for that Mr. Carey had constantly his own servant to attend him, and might send a thousand letters without any notice being taken of them.

He said, that Mr. Lestrangle had behaved with the utmost humanity to his prisoner, setting him at his table, and entertaining him amongst his friends. That he one day observed Mr. Lestrangle apparently much distressed at Mr. Carey's not dining with him, and at Mr. Lestrangle's desire went to Mr. Carey, to learn why he would not give him his company. Mr. Carey seemed obliged by this attention, but said, as there were generally strangers at Mr. Lestrangle's table, he did not go, because he did not chuse to be gazed at.

The officer of the guard was called to prove the conversation at table, on the first day of Mr. Carey's confinement, and confirmed what Mr. Lestrangle had advanced. The officer who commanded the guard on Sunday last was also called, and proved that Mr. Carey had behaved with the utmost insolence to Mr. Lestrangle, abusing him in the grossest manner; and calling him the most opprobrious names. This gentleman said, he had taken the liberty to advise Mr. Lestrangle to leave him to himself, and that he had accordingly retired without saying a word.

Mr. Gardiner then read two resolutions, the first declaring the charge against Mr. Lestrangle ill-grounded and malicious, and the last an approbation of Mr. Lestrangle's conduct.

Sir Edward Crofton, and Mr. Jones contending that Mr. Carey had not been permitted to substantiate his charge by evidence, and that it had not been controverted, Mr. Carey was called upon to produce his witnesses.

Mr. Thomas Carey declared, that his brother was thirty hours in Mr. Lestrangle's house without a bed; that he then got leave to put up one; that he was once refused admittance to his brother, by Mr. Lestrangle himself, and that a number of persons had complained to him that they were refused admittance to Mr. Matthew Carey: He believes, if time were given, he could produce eight persons who were refused, among whom were his father, uncle, and a cousin—That he, Thomas Carey, was not allowed to speak in private to his brother; that on Thursday, having whispered him, he was rudely pulled by the arm; that irritated at this treatment he had sent for Mr. Lestrangle, to know if he had given such

orders, and from whom he had received them; Mr. Lestrange confessed he had desired he should not speak in private, and that he was commanded so to do. As most of the particulars were contrary to what Mr. Lestrange asserted on his examination, Thomas Carey wished the witnesses were sworn, and offered to make oath of the truth of what he said, which was not required.

Mr. Matthew Doyle was next examined, who deposed, that he had been admitted, and then denied admittance to Mr. Carey, and that several other persons were also precluded from seeing or conversing with Mr. Carey.

Mr. M'Donnough corroborated Mr. Doyle's testimony, and gave an instance of the brutality of the soldiery in the presence of Mr. Lestrange, on his attempting to get admittance to Mr. Carey, by rudely shoving him into the street.

Mr. Gardiner rose again, and declared himself convinced by Mr. Carey's substantiating his charge, of the impropriety of the first resolution he had read, for which reason he moved, that the conduct of Mr. Lestrange, deputy serjeant at arms, to Matthew Carey, while in his custody, was cautious, firm, and humane.

Sir Edward Newenham said, he was pleased that his Right Honourable Colleague had withdrawn his first motion, for it could not be supported, as it militated against those facts, which all sides acknowledged; he must oppose his second motion, as it was contrary to justice and equity; for the case in trial stands thus, and no lawyer can deny it: Matthew Carey made charges against the deputy serjeant at arms; the serjeant was called on his defence, he produced witnesses on his behalf, yet he, like an honest man, acknowledged that he had been guilty of the charge of denying the prisoner the use of pen and ink, and of liberty to see and consult with his friends; and Carey, then substantiated his charges by evidences. To what a melancholy situation is a free-born Irish subject driven—Will an Irish parliament, that glories in its emancipation from foreign usurpation, now subvert the inestimable liberty of a subject? For his part, he said, he knew the Treasury Bench could (unfortunately for this country) command a majority, yet, if he was the single man in the committee, he would divide in favour of the liberty of the subject, and he would appeal for the rectitude of his conduct to the people at large—Their disapprobation should correct his errors; their support would fortify his opinion.—Sir Edward then read a motion which he had drawn, and he insisted it was the most equitable one, from the evidence produced. That motion was as follows:—That it appears to this committee, that Matthew Carey has made good his charges of being denied (at times) the use of pen and ink, and

of liberty to see his friends, while in custody of the serjeant at arms.

Mr. *William Todd Jones* said, he would negative Mr. Gardiner's motion, though he should stand alone, because the charges brought by Mr. Carey against the serjeant at arms, were supported by sufficient evidence, and were also admitted by that officer himself; and these charges exhibited such arbitrary proceedings towards the person and liberty of Mr. Carey, as were totally inadmissible in, and repugnant to the spirit of all free countries. Mr. Lestrange had not a more sincere well-wisher than himself in the House, and he did imagine his conduct to Mr. Carey, arose from his want of information, and from the novelty of the case, and he did acquit him of all intentional oppression; but to declare his treatment of Mr. Carey to have been constitutional, he thought would be to establish a very dangerous precedent, and such as he conceived would be as degrading to that House, as it would be tyrannical and intolerable in a free state.

The question being then put, there appeared, (Tellers included)

Ayes,	—	—	43
Noes,	—	—	3
Majority,	—	—	40

The Noes were Sir Edward Crofton, Sir Edward Newenham, and Mr. Jones.

TUESDAY, APRIL 22, 1784.

An engrossed bill from the Lords, for disqualifying Lord Viscount Strangford from voting either personally or by proxy in the House of Lords, was read a first time, as also an abstract of the proceedings relative to his Lordship's conduct on a late occasion in the Upper House. Ordered, that said bill undergo a second reading to-morrow, and that his Lordship be served immediately with this order, that he may make any defence he chooses at the bar.

The House then sat in committee on the interest of money-bill, and went through the same.

The orders for trial of the Leitrim and Baltinglass elections were severally read and discharged; after which it was ordered, that the trial of the petitions, complaining of an undue election for the county of Leitrim, be on the 5th of August next.

Ordered, that the trial of the petition, complaining of an undue election for the borough of Baltinglass, be on the 4th of August next.

Mr. *Annesley* reported from the committee appointed to enquire into the conduct of the deputy serjeant at arms to Matthew Carey while in his custody, that they had come to a resolution,

That the conduct of Thomas Lestrangle, deputy serjeant at arms, to Matthew Carey, while in his custody, was perfectly consistent with his duty to this House, and marked with caution, firmness, and humanity.

Sir *Edward Crofton* said, that as he had opposed this resolution yesterday in the committee, he should do the same in the House this day, though from the absence of the two gentlemen who had joined him, his negative would now be a single one.

Mr. *Fesler* entreated the gentleman would not persist.

The question being put, the resolution passed unanimously.

The House then sat in a committee on the bill for obliging creditors to pay a weekly stipend of 2*s.* 4*d.* to debtors confined at their suit.

Ordered to be reported to-morrow, to which time the House adjourned.

FRIDAY, APRIL 23, 1784.

The *Solicitor General* reported from the committee on Mr. Holmes's bill, for obliging creditors to allow a small maintenance to debtors while confined at their suit, that the committee had gone through and agreed to the same, with some amendments, which being read by the Clerk at the table, and agreed to, the bill so amended, was ordered to be read a third time to-morrow.

The order of the day for reading a second time an engrossed bill from the Lords, for disqualifying Lord Viscount Strangford from voting as a Peer, in person or by proxy, being read, the *Speaker* said, that in order to warrant their proceeding on this bill, he thought the House ought to have before them some evidence of the guilt of the unfortunate nobleman in question; to which purpose he examined at the bar an officer of the House of Lords, who proved, that in November 1783, an appeal in the great cause between Hume and Loftus was made to the Lords; that their Lordships appointed a day in January 1784, to hear and determine the same, and that previous to that day of trial, Lord Viscount Strangford did write and send to Mr. Rochfort, one of the parties in this cause, a letter, which he afterwards acknowledged before the Lords, and which was now read by the Clerk at the table, complaining of very great distress from want of money, lamenting that it prevented his attending his duty in the House, reminding Mr. Rochfort of a former application, with

which he had not complied, and declaring that if now enabled by the sum of two, or even one hundred pounds, he would attend daily in his place, and endeavour to do justice in a cause, for the success of which he had the best wishes.

The *Speaker* also examined at the bar one of the messengers, who declared that he had served Lord Strangford with a copy of the proceedings against him, and that his Lordship had sent for answer, it was very well.

The *Protest*.—Mr. Speaker, Sir, this is the proper time for any member who objects to this mode of proceeding by bill, to offer his sentiments to the House. Though I highly applaud the intention of the Lords to vindicate the justice of the nation, and to preserve the purity of the final judicature; and though I warmly approve of the object which they have in view, I cannot concur in the mode which they have chosen for the attainment of it. If the reasons for my opinion are not well founded, I shall thank any gentleman who shall convince me of my error, being very desirous to vote for this bill, when properly amended, if any good reasons are given in support of it.

My decided opinion is, that it is contrary to the established principles of the constitution, to proceed against any man by a bill of pains and penalties, when justice can be obtained by the due course of law.

This maxim appears to me so indisputable, that I am sorry to be obliged to use any arguments in support of it.

Lord Coke says, "*Nunquam decurritur ad extraordinarium remedium sed ubi deficit ordinarium.*" And that it is for this reason that the high court of parliament relieves only such as can have no remedy but in parliament, and for matters determinable at common law, remits the parties to their legal remedy.

These rules will be held more sacred, when we consider the source from which they are derived. In Magna Charta the King engages to every subject of every rank, "*Nec super eum ibimus nec super eum mittimus, nisi per legale iudicium parium suorum, aut per legem terra.*" If we deprive any man of the lawful trial of his peers, or proceed against him contrary to the common law, we deprive him of the protection of this part of the great charter. It is true that the Lords of parliament are the Peers of the noble Viscount who is the object of this bill; but, in a case where no extraordinary remedy is necessary, the interposition of the Lords in their legislative capacity, does not appear to me to be either the *legale iudicium* or the *lex terra*, intended by the great charter. Bills of pains and penalties are laws *ex post facto*, made to punish one man by a rule not applicable to the rest of his fellow-subjects, and which did not exist when his offence was committed. Such a bill is therefore to be justified by necessity only.—Where crimes cannot be punished by due course of law,

the authority of the legislature has been frequently exerted to bring great delinquents to public justice. There is no bill of that nature, in which such a necessity does not appear, or is not at least professed. But if in the case before us, the common law of the realm is in itself sufficient, not only to punish the noble Viscount, but to inflict the very punishment proposed by this bill, there is no necessity for the interference of the legislature, and the bill ought to be rejected.

Corruption in a judicial place has been frequently punished in a course of law. Offering a bribe to a judge, though he does not take it, is punishable by law in the person who offers it. The offer by a judge to accept a bribe, though not given, is at least equally penal. If, for crimes of such a nature, the law had not provided a remedy, it would have been a reflection on the law itself.

Against corruption in judicature, by a peer of the realm, the mode of redress which the wisdom of the constitution has established, is an impeachment by the House of Commons. Of this there have been many instances in England.

In 1620, Lord Viscount St. Albans was impeached for this offence in the office of Chancellor, and was sentenced by the Lords in their judicial capacity, 1st. To pay a fine of 40,000*l.* 2dly. To be imprisoned in the Tower during the King's pleasure. 3dly. To be for ever incapable of any office in the state or common-wealth. 4thly. Never to sit in parliament, nor come within the verge of the court.

In 1624, the Earl of Middlesex was impeached for bribery, in the offices of Lord High Treasurer and Master of the Court of Wards, and was sentenced to lose all his offices, and to be for ever incapable of any—to be imprisoned in the Tower during the King's pleasure—to be fined 50,000*l.*—never to sit in parliament any more—and never to come within the verge of the court.

I have never heard the authority of those decisions questioned. Whilst the first of those cases depended, Sir Edward Coke was a leading member in the House of Commons. In the second case, he brought up the impeachment, and he states both cases, as legal authorities, in his 3d institute.

The same course was taken in the year 1725, against Lord Macclesfield, for a similar offence in the office of Chancellor.—His sentence was a fine, which the Lords judged to be a sufficient punishment in his case.—It was moved, that he should be also sentenced never to sit or vote in parliament; and this motion having passed in the negative; a protest was entered by twenty-two peers, among whom is the name of Lord Lechmere, an able and experienced lawyer. No doubt was entertained of the power of the Lords to have inflicted the additional punishment proposed, had they thought that the justice of that case required it.

But it has been said, that those precedents do not apply, and I am called upon to mention any instance of an impeachment for corruption committed by a Peer in the House of Lords; as if the sacredness of the place should be an asylum, or the greatness of the delinquent, or the enormity of the crime should be a protection against the grand inquest of the nation. This objection tells the people of Ireland—"You may prosecute Judges, Chancellors, and Peers, for corruption in your courts of justice in the progress of your causes, until they come to the final judicature; but for corruption there, the laws of your country give you no redress."

This objection is of an alarming nature. Was the present bill framed from an opinion that the Commons could not impeach for corruption by a peer in the final judicature? If that were so, it would be time to assert the undoubted rights of the Commons of Ireland, by introducing such a precedent. Was a bill referred to because the letter was first lodged there? But this letter and evidence might have been communicated to this House by a message, or at a conference, which would have enabled us to have taken our place in the prosecution of this offence.—Lord St. Albans acknowledged his corruption, and sent his letter of confession to the House of Lords; but the Commons nevertheless proceeded with their impeachment: And the evidence being in the hands of the Lords was not considered as a reason for proceeding by bill.

The precedents of impeaching peers for corruption in any superior court, apply with equal force to corruption by them in the supreme court of final judicature. The distinction is without a shadow of difference. In this case, it is not the privileges of the peerage, but the justice of the nation that is invaded; and the law of the land being sufficient to give redress, the legislature ought not to do it by making an occasional law for the purpose, after the fact.

The rule laid down by Lord Coke is general, and applies equally to all courts.—"If any Lord of parliament, (says that great lawyer,) has committed any oppression, bribery, extortion, or the like, the House of Commons, being the grand inquisitors of the realm, coming out of all parts thereof, may examine the same; and if they find, by the vote of the House, the charge to be true, then they shall transmit the same to the Lords with the witnesses and proofs." If the Commons shall find that any such offence has been committed in the House of Lords, the Commons are bound to lay the same before their Lordships in a due course of legal proceedings, which is by impeachment.

A Right Honourable and learned Gentleman has admitted that an impeachment may be brought, but has affirmed that this bill is a mode equally proper. But unfortunately this precedent, if

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the bill should pass into a law, will remain in our statute-book, when the authority of the learned gentleman's admission may possibly be forgotten.—And what will be the argument arising from this precedent? Will it not be this? “Here was the clearest case for an impeachment from the Commons, if it was not understood that no impeachment could have been brought against a Lord of Parliament, for corruption in the final judicature.” In a House of Commons, where there were so many lawyers of the first eminence, would they have suffered an act of parliament to have passed, if they were not convinced that no remedy could have been had by the common law of the land?—I shall be able to give no answer to this argument; it appears to me to be decisive.

But does the Right Honourable Gentleman suppose that our power of impeaching has never been questioned? The contrary appears to be the truth. The first instance of impeachment which I can find on our Journals, is that in the year 1640, against Lord Chancellor Bolton, the Bishop of Derry, Sir Gerald Lowther, Chief Justice of the Common Pleas, and Sir George Radcliffe.—This mode of proceeding was at that time so much discountenanced, that the Lords Justices sent a message to desire from the House of Commons precedents for the right of judicature in the parliament of this kingdom; and afterwards, being attended by the Speaker and most of the House at the council-table, desired that the House should forbear proceeding in the impeachments, until the Lords Justices should be advertised from England on the question of judicature in capital cases. It appears that Charles the First had by his letter, required from both Houses precedents of the right of judicature; and though both Houses, in their joint address to his Majesty, decline to produce precedents, lest it should draw the judicature in question, yet it appears, from the same address, that they had no precedents to produce.

In the Lord Chancellor's answer to the articles of impeachment, he insists that there is no precedent of any such proceeding since Poyning's Act, in the reign of Henry the Seventh, and that the impeachment against him trenches upon his Majesty's prerogative, which he desires the House of Lords and the Lords Justices to consider.

The difficulty must have arisen from an objection to the way of proceeding by impeachment: For the jurisdiction of the Lords in criminal cases, was never at any time questioned; and as a further proof of the disapprobation of this mode of proceeding, it was afterwards ordered that all matters intrenching on the honours of those persons should be struck out of the records.

In the case of Lord Chancellor Porter, in the year 1695, there was an attempt to impeach. Both Houses seem to have been alarmed. Every obstruction was given by the Lords. At last the

Commons got rid of it in a manner not very decorous.—The Chancellor was admitted into their House. He makes a speech. The prosecuting members engage to make good their article, and offer their proofs. The House votes what the Chancellor said to be satisfactory without any proof, (such are the words of the resolution) and reject the articles.

These are our only precedents. The two first, not in favour of the power of impeaching, and that which we are about to make directly against it. And though in the impeachment in the year 1640, the Lords and Commons declare, that the Lords spiritual and temporal in parliament assembled, have full power and authority to hear and determine all treasons and other offences perpetrated within this kingdom, yet there is no instance upon the journals of our houses of parliament, where any judgment has been given on an impeachment; and clear as our right is to impeach, I have known many rights of this kingdom, equally unquestionable, heretofore disputed.

An Honourable Gentleman hopes we shall not get into what he calls the trade of impeachments. I sincerely hope that no cause may be given for impeachments; but this trade, as it is called, has been a very beneficial one to the laws and liberties of our sister kingdom. On my part, I hope, we shall not trade in bills of pains and penalties without any necessity. The acknowledgment that an impeachment would be a proper mode, proves that this bill is not equally proper. Is the punishment of an offender, by an act that is applicable only to him, and made after his offence has been committed, equally proper, as to punish him by a law common to all his fellow-subjects, and which was in force before he or his offence had existence? It cannot be maintained.

The faithful page of history has found these bills of pains and penalties to be the greatest blemishes in the constitutional history of England. The great Lord Cowper, has declared his opinion, that they can only be justified where the offender is in open rebellion, or has fled from the justice of his country.

By one of these bills inferior offences were accumulated into high-treason. By another, a man was deprived of his honours and his country, on the most vague and uncertain conjectures, only because there was no evidence in the case, on which any court of justice in the realm could have convicted him. By another, the great statute of treasons, which requires two witnesses, was repealed in the case of an individual, against whom one witness appeared. In the last instance indeed it was said, that the offender had abused the lenity of the law, which required two witnesses, by having spirited away one of them; and that therefore he should not be suffered to avail himself of the protection of this law, to evade the justice of the nation.

I acknowledge the present bill to have been introduced for the most laudable purpose; but I object to this bill, because the common law provides a remedy clear and adequate; and because an unnecessary penal *ex post facto* law, for the best purposes, may, in times less favourable to public liberty than the present, be used as a precedent for such laws for very different purposes; because it is a repeal, in this instance, of that important part of the great charter, which had been mentioned; and because I consider it as a repeal of the statute of the fifteenth of Edward the Third, which enacts, That nobles shall not be put to answer but in open parliament by their Peers, which means by indictment or impeachment. It has been said, that these objections should have been made at an earlier period. The answer is obvious; the letter has been but this moment read, and the objections could not have been made, before the case had been laid before the House.

I have been charged with an intention to delay, - but most unjustly. The opinion which I have given is, that immediately after the rejection of the bill, we should vote an impeachment, and go up with it instantly to the bar of the House of Lords, who will probably appoint some day before our rising for the trial, which cannot last two hours.

How vain is the apprehension that the Lords will be offended! That august assembly can never be offended, when we applaud the justice of their intentions, but at the same time prefer proceeding in the ancient ways of the laws, to a legislative interposition.

I consider myself, on this occasion, as an advocate for one of the great privileges of the Commons, who never appear in a more venerable situation than in their peculiar province of the grand inquest of the nation. When, in the name of all the Commons of Ireland, this House, as the Attorney General of the people, demands justice on great delinquents at the bar of the Lords, its appearance is truly awful and majestic.—As a court of criminal jurisdiction, I do not view the Commons in so respectable a light. But the present bill reverses the privileges and duties of both Houses, making the Lords accusers as well as punishers, and the Commons punishers and not accusers.

I am equally an advocate for the privileges and dignity of the Lords. The power of judicature and of punishment is theirs, and when they unnecessarily participate these powers with any other part of the legislature, may I be permitted with the utmost deference to that great assembly, to express a doubt, whether they do not derogate from their privileges, and depart from their rights?

I object to this bill as a servant of the crown. It places our Sovereign in a situation that must be disagreeable to the benignity

of the royal mind. Punishment is inflicted by the law, or by the judge, who is the *lex loquens*; grace and favour are reserved for the crown. This bill calls upon the King, without any evidence laid before him, to deprive a Peer of the realm of his seat in parliament. I acknowledge this to be an objection to all bills of attainder; but, I say, necessity alone is an answer to this objection, and I affirm that the present bill places our Sovereign in this painful situation, without any necessity whatever.

We are told that this bill increases the prerogative; for the King must assent to give it effect, but in an impeachment his Majesty has no such power. To this I answer, that the policy of our law keeps the legislative and judicial powers distinct; that to increase the prerogative by confounding their functions would be repugnant to this policy; that to unite the powers of making and enforcing law in the same body of men, would be injurious to public liberty; that this way of increasing the prerogative, would be contrary to the principles of the constitution, and consequently that this observation furnishes the most decisive answer against the bill.

But, Sir, in objecting to this bill I am an advocate for the law itself, that great inheritance which we derive from our ancestors!—To which we should not wantonly impute defect, imbecility or inefficacy, or deprive any man of the protection, or the body of the people of the redress which it affords.

The necessity here spoken of is not the tyrant's plea; it is the equity of the constitution, regarding the safety of the people as the supreme law, and administering relief where the law has provided no remedy. As, to prevent the spreading of a fire, the loss of a ship, or the progress of an enemy, we may justly deprive any individual of his property; but if no such necessity exists, the man is doubly injured, being unjustly deprived of his property and of the protection of the laws of his country; and the community is injured by the example. In enormous offences, which strike at the public safety, and which cannot be sufficiently guarded and secured by the due course of the law, it may be sometimes, but very rarely, necessary, and for that reason only proper and just, that the legislature should interpose; but such an interposition should never take place without every precaution to prevent the danger of the precedent; and we should on these occasions never forget, that on the criminal code the freedom of the constitution in a great measure depends, and that what we are doing for the best may be perverted hereafter to the worst purposes. But in the present case, without any necessity to justify, without any reason to excuse, without any example to mislead, without gaining the smallest advantage to the public, against all precedents, against all principles, shall the legislature usurp the judicial functions, and deprive a Peer of the realm of the protection

of the laws of his country. I assert, that, though the crime be certain, the evidence clear, the punishment adequate, that still we must observe the rule of *justum juxte*; and that if we punish by an improper jurisdiction, the punishment will be unjust.

Suppose in a case proper for an indictment, instead of resorting to the presentment of the grand, the trial of the petty jury, and the sentence of the judge, you should unnecessarily resort to the legislature, and bring in a bill to punish the offender, is there a man in the kingdom who would not be alarmed at the innovation? And yet that is precisely the present case; the offence is indictable; the grand jury of the kingdom should have presented; and the Lords, who are the Peers of the offender, would be then the jury to try, and the judges to sentence.

I have thus, Sir, endeavoured to prove, from the acknowledged principles of the constitution—the best legal authorities—the most established precedents—and from the nature and reason of the case itself—that this bill ought to be rejected; and, with the utmost deference to the wisdom of this great assembly, I am not afraid to avow my opinion to the most experienced lawyers in this kingdom, and to the first characters in Westminster-Hall.

Right Hon. *Dennis Daly* answered the different parts of the Provost's speech; he asserted that the bill was no extraordinary stretch of power, but a fair and honourable effort of the Peers to expel corruption from amongst them; and which while it did credit to their Lordships, must give the happiest satisfaction to the people. The cases cited by the Right Hon. and learned Gentleman, he humbly apprehended did not apply; they were both judges of inferior courts, impeached for bribery and corrupt practices; but there was no instance, he said, where any Lord of Parliament had, as such, disgraced himself in that manner; and therefore, being a new case, it could only be remedied by act of parliament. He conceived that it was more respectful to the Peers to concur with them in punishing their guilty member, than if the Commons should take up the measure on their own suggestion; and as to the King, it was infinitely more respectful to his Majesty, to deprive the unfortunate peer of his privilege by act of parliament, to which his Majesty's consent would be necessary, than to punish him by impeachment.

Colonel *Gore* thought the Lords had taken the speediest method to get rid of an improper peer, and was for the bill.

The *Prime Serjeant* thought the bill very proper, and that any other mode was excluding the crown of its prerogative of a negative or affirmative on the bill. He said, he believed no man would deny but what the Right Hon. Gentleman had laid down was law.

The question being then put for committing of the bill for to-morrow, it was carried with only one dissenting voice.

SATURDAY, APRIL 24, 1784.

Read a third time and passed, a bill to oblige creditors to allow a certain maintenance to debtors confined at their suit.

The House resolved itself into a committee of the whole House, Mr. Mason in the chair, on the bill for disabling Lord Viscount Strangford from voting as a peer of parliament in person or by proxy.

The Right Hon. *John Foster* moved to amend the bill by reciting in the preamble thereof, the circumstances which had compelled parliament to punish this unfortunate nobleman, and by setting out at large the letter which he had written to Mr. Rochfort.

The *Provoft*, who had just entered the committee while Mr. Foster was speaking, declared his hearty approbation of this amendment; and said that he had come down to the House for the purpose of making a similar one himself, if the Right Hon. Gentleman had not anticipated him. The act, he said, would be a great historical monument of the virtue of the Lords; and he thought it would be but justice to their Lordships to inform after ages of the evidence upon which they had proceeded. He thought it also justice to the feelings and character of the young nobleman who would probably succeed the present unfortunate peer, and who promised to be an ornament to his country, that the particular act of corruption, for the punishment of which the bill was passed, should be specified; for these reasons he approved of the amendment, though he had by no means relinquished his former opinion, that impeachment was the regular mode of proceeding in this case:—At the same time he desired it might not be supposed, that he either intended by that mode to delay the public justice of the nation, or to inflict a more severe punishment; both were equally foreign to his intention.

The bill as amended passed the committee, was reported to the House, and there passed without a dissenting voice.

The Right Hon. *John Foster* observed that there would not be any business ready for the House till towards the 11th and 12th of May, at which time the return of the transmitted bills might be expected; he therefore moved the House to adjourn to Tuesday the 11th of May.

This motion was interrupted by the appearance at the bar of an officer with the army returns for March.

Mr. *Molyneux*, at whose instance these returns were produced, declared that they came too late.

Sir *Edward Crofton*.—I rise, Mr. Speaker, to lay before the House some information on a subject of the most alarming nature, the most violent stretch of power that ever was attempted

in a free country; I mean the imprisoning two poor men in the Castle-yard, without any process of law, or without any examination or information being given against them before a magistrate—I was informed of this circumstance last night, and this morning I went to the Castle-yard, and found it true:—There I saw the poor men confined, a centinel with a fixed bayonet in the room with them, another without side their door. I asked them if there was an examination sworn against them?—They said they knew of none. Whether they had sworn against any one? They answered no; and whether they were confined against their will? They said they were. I then went to the Crown-office, and found that there were not indeed any examinations against these men, nor had they sworn against any one. I do therefore consider this as a most daring and violent stretch of power, and which though exercised in the case of two very poor men, may soon be extended to us all; I think therefore this House, as guardians of the people's rights, called upon to enquire into this dark affair, and if the Right Hon. Gentleman will withdraw his motion of adjournment, I will move that William Hall, Deputy Town Major, (the person who holds those men in custody) do forthwith attend at the bar of this House.

The *Prime Serjeant* said he was sorry to see the honest nature of the Hon. Baronet imposed upon by some designing miscreant, as he had the most sincere affection for him, and entertained the highest opinion of the honourable principles on which he acted; but had it been a person of less established character, he would say he had done wrong, and that the court of King's Bench ought to attach him, for tampering with the King's evidences, for such were the persons whom he had seen, and not prisoners, as had been represented; they were persons who had given information of a most dangerous conspiracy to assassinate certain members of the House, and they were kept under the protection of a guard, as much for the safety of their lives, as to prevent their being tampered with, or spirited away as Finucane had been; it was highly probable, nay, it must be true, as the Hon. Baronet had said it, that those men, not knowing him or his rank and consequence, had not explained truly their situation to him; and it was probable that those persons who were so anxiously solicitous to procure the removal of those men to the common gaol, had set on the Hon. Baronet to procure it, did it in order to have an opportunity of tampering with men whose evidence might endanger their safety; but he was well satisfied that if the Hon. Baronet had seen the matter in this light, he never would have interfered in it; he was a man that loved good order, and would himself be the first to see the laws executed, and he must be conscious of the impropriety of disclosing the King's evidence in a business so black as that which had been mentioned. He would

have held it no doubt an high crime in the case of the houghers at Roscommon; but though the Hon. Baronet has been deceived, I respect the principle by which he is actuated—That regard for the liberty of the subject by which he is impelled to make this enquiry, must ever do him honour; I love and esteem opposition founded on such principles, it is ever necessary in a free state like ours, but as I know no man holds assassins in greater abhorrence than the Hon. Baronet, I trust that now he is informed of the true reason for guarding these men in the Castle-yard, he will not press his motion, as they have a remedy in their hands if they think themselves oppressed, which is not at all the case, by applying for an Habeas Corpus, and would hereafter have ample retribution.

The *Solicitor General* said, that the place the men were now in was the properest, as well for their own safety as to preserve the purity of their testimony; that sending them to Newgate would be exposing them to insult on the one hand, and might be a means of frittering away the evidence of the crown on the other; he would therefore support the motion of adjournment, and begged for God's sake, that gentlemen would not throw any obstacles in the way of, or interrupt the common course of public justice, which was now soon to take place on those who were under prosecution of offending against the laws of their country.

Right Hon. Mr. *Brownlow*.—Though I am not an opposition man, but very far from it, I must approve of the Right Hon. Gentleman's sentiments, when he says he loves opposition; it is not so much love as gratitude in him—for I must say, that the gentlemen on that side owe full as much to opposition for their situation, as they do to their own talents, however exalted; and was opposition to fall, much of their consequence and value would fall with it.

As to the men that have been mentioned, it does not appear that they undergo any unnecessary hardship—if they do they will have their remedy—but as their evidence ought not to be lost, I cannot think it would be proper to suffer them to be tampered with.

Mr. *Lloyd* spoke to the same effect.

Sir *Edward Crofton* withdrew his opposition to the question of adjournment.

Alderman *Warren*, before the breaking up of the House, begged leave to inform gentlemen of the alarming degree to which emigration was now taking place; many ships had lately sailed with multitude of people on board, and there were now three ships in the harbour, each of which would carry away perhaps three hundred persons. He had gone on board these ships, and

he was sorry to find the persons emigrating were not the profligate, the idle, and dissolute—but the sober, the honest, and industrious country people, many of them from the counties of Wexford and Kilkenny, spinners and combers, who all declared that they tore themselves away from their native country, because they could not procure subsistence in it. This, the Alderman said, was an evil that ought to be stopped, not by any violent coercive measure, but by making the people happy, and finding employment for them at home; he therefore mentioned the subject, that gentlemen might consider it during the recess; and he declared that the man who could devise an effectual remedy would be entitled to the thanks of his country indeed.

The question of adjournment to the 11th of May, was put, and passed unanimously.

TUESDAY, MAY 11, 1784.

The House met pursuant to adjournment, and the Speaker having taken the chair, a message was delivered from the Lords, that their Lordships had agreed with the Commons in their amendments to the bill for disqualifying Lord Viscount Strangford.

Lord *Kikwarlin*, after expressing the very high opinion he entertained of the Duke of Rutland's government, and expatiating on the many public advantages derived from it, proposed to close the session with an address, declaratory of the House's approbation of his Excellency's just and wise administration.

He was seconded by Colonel *Hatton*, who in a very handsome eulogium on the present administration, adverted to the several acts by which it had benefited this country, particularly the corn act, and the act for securing the liberty of the press.—The latter, he said, was become indispensably necessary, from the number of seditious and inflammatory papers daily published, and from the cruel abuse of private characters, by which the honour of the nation, and the happiness of individuals were destroyed; and while at home numbers were made the miserable victims of abandoned slanderers, abroad we were represented as a nation of malignants, whose greatest enjoyment was to vilify each other, and to abuse the government.

Mr. *Jones* (of Lisburn) said, it was with extreme concern that he felt himself compelled by a sense of duty and justice to testify his disapprobation of the measure; but when he recollected the many flagrant acts of impropriety which deform this administration, he found it impossible to concur in thanks where his heart poured forth reproaches; and to address, where he

condemned. For what bounties received from the Duke of Rutland were the people of Ireland to offer up this thanksgiving? Was it for the rejection of their favourite bill to reform the representation in that House; and to renovate the constitution?—Was it for the precipitate dismissal of the equalization bill, without deigning it any offer of redress, any slight promise from the minister, to sooth the disappointed?—Was it for that lenient and equitable act the post-office bill; the adoption of which from a former administration only aggravated the injury?—Was it for the contemptuous rejection of every resolution proposed there, to enforce the residence of certain absentee great officers of the state, who draw immense salaries from this kingdom, and squander them in another; inattentive to, and negligent of the duties annexed to these offices; if there are any duties annexed to them?—Was it for filling the streets of the capital of this free country with an armed host, not amenable to the controul, and derogatory to the privileges of its peaceful citizens?—Or was it for transforming the House of Commons into a court of star-chamber, and converting the Castle from an Irish court to a French Bastile, or a Granada inquisition? The thanks the people owed for such benevolences should be rendered by him; and the torrent of disapprobation and discontent out of doors, which now rolled from shore to shore of this kingdom, should be declared by him there.—He disapproved of the administration of his Grace of Rutland *in toto*, and he would negative every address proposed there which was not expressive of the national disapprobation of, and disappointment in his Grace's conduct.

Mr. *Molynaux*, after following Mr. Jones in reprobating the address, said, that if any administration was calculated to sow dissention between this kingdom and England, it was assuredly the present.

As to the Chief Governor, continued he, I think him a good and amiable character, but he has confided the affairs of this kingdom to the Right Hon. Secretary, and he only is answerable for what has happened, particularly for at this time conferring honours on a gentleman who is not a very great favourite of the people. But his reason for doing it was to shew the people of this country that he would not be content to oppress, but must also insult them.

I would however ask that Right Hon. Gentleman a few questions, and from his answers I will form my opinion respecting the address; if he is silent, it is of a piece with that silence which has done us more harm than the loquacity of any of his predecessors.

I call upon him to inform the House, at what expence the Chancellorship of the Exchequer has been purchased from a man

who scarcely has put his foot in the kingdom since his appointment.

Is the office of Master of the Rolls likewise to be purchased?

Is a President of the Council to be appointed with a large salary?

(No answer being made, he concluded with saying)

Relief I see must be found in ourselves, I therefore honour the people for the remedy they are taking; I admire their spirit. They have taken the redress into their own hands when they found they were deserted by this House.

Here the Attorney General called Mr. Molyneux to order, who replied, he did not know that he was out of order; to which

The Attorney General said, if the gentleman continues in this strain I will have his words taken down by the Clerk, and he shall then know how he is out of order.

Mr. Molyneux proceeded.—If the Right Hon. Gentleman had let me proceed, he would have seen how unnecessary his call to order was. I was going to say I admire the spirit and the wisdom of the people, in determining to wear only their own manufactures. Let them persist in that resolution, it will be sufficient to remove all their grievances.

Mr. Griffith said, he did not rise to oppose the address; it was a matter of form, and a customary compliment to all Chief Governors at the close of the sessions. He could not, however, think it was decent or proper to address the Lord Lieutenant, in the present distracted state of affairs, without reminding him of the unhappy condition of our manufactures, and entreating him to take some effectual steps, in order to remove the causes which obstructed the welfare and prosperity of this kingdom. It was always a matter of uneasiness to him, whenever he found himself under the necessity of censuring the conduct of administration; he did not wish to do it on the present occasion. He should make only one remark, and leave the House to draw an inference from it. The best criterion of the wisdom of government is the condition of the people; if they are industrious, if they are in possession of competence, and are obedient to the laws, we may pronounce that their rulers are wise and prudent. Our manufacturers are idle, and wherefore? Because they are deprived of the means of exerting their industry. Instead of possessing competence, misery and distress are printed in the countenances of every man we meet in the streets. Are the people obedient to the laws? No; and wherefore? Because they have lost all respect for their rulers. He then read the amendment, which was as follows, "And to entreat his Excellency to take into his consideration, the distressed state of the manufacturers of this country, and to assure him of the confidence we

place in his wisdom, to lay the same fully before his Majesty's ministers in England, and to co-operate with them in forming a more liberal arrangement of commercial intercourse between Great Britain and Ireland, on the broad basis of reciprocal advantage; a measure which would doubtless tend towards the mutual prosperity of both kingdoms, by more closely uniting them in interest and affection." He said, that so little was he inclined to obtrude himself upon the House, that immediately after the loss of protecting duties, he had requested his Right Hon. Friend on the floor, (Mr. Gardiner) and also another Right Hon. Gentleman, (Mr. Grattan) for whose abilities and character he had a high respect, to come forward with some measure that might oblige administration to pledge themselves that something should be done for the manufacturers of this country; that they had not thought proper to take any part in the business; that he had therefore some time since, drawn up an address to his Majesty, which he communicated to the Right Hon. Secretary, (Mr. Orde) and that he had been induced to drop the idea of bringing it forward, upon the solemn assurance of the Secretary, that administration were determined to take the state of our manufactures into their serious consideration, as soon as the affairs of England were a little more settled; but as we were now going to address the Lord Lieutenant, he thought it was proper and decent for us to represent our wishes to him on that subject.

Mr. *Brownlow* approved of the purport of Mr. Griffith's amendment, but not the time in which he had introduced it; and recommended to him rather to propose it in the committee, where the address was to be formed, and, if they failed there, he would still be in time to present it to the House on the report. As to the address, he was really embarrassed how to act; he wished to pay a personal compliment to a Lord Lieutenant, whose intentions, he believed, had been good; but if any thing was in the address, implying an approbation of the measures of his administration, he must object to it.—But these sort of compliments were now become as common, and had as little meaning as going to make a bow at the Castle. That even Lords Townshend, Buckingham, Carlisle and Northington, whose conduct he heartily disapproved, and who were reprobated by the nation, had received that tribute from a majority of this House. He was at a loss, indeed, to find some feature in the Duke of Rutland's administration that deserved applause; that, as he had yet only carried into execution what had been concerted by his predecessors, possibly, when he had more time to know the country, and what might be necessary for its prosperity, he would give us cause to praise him substantially, but, as yet, the measures of his government had not been praise-worthy.

Mr. *Conolly* requested Mr. Griffith to withdraw the amendment, though he approved of stating the situation of the people.

Mr. *Griffith* said, that the truth of the proposition contained in his amendment, was allowed on all sides. It had been objected, indeed, that truth should not be spoken at all times. He should however persist, if it was only for the novelty of the thing, that truth should for once appear in an address.

The question being put,

There appeared against the amendment,	94
For it, — — —	32

Majority, — — —	62
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Sir *Henry Cavendish* moved, that the proper officer do, at the opening of the next session of parliament, lay before this House an account for one year, ending the 25th of March, 1784, of the quantity and value of all goods and commodities imported into, and exported out of Ireland, distinguishing the countries from which they are imported and to which they are exported, and also the several ports in Ireland from and to which such goods are imported and exported.—Ordered accordingly.

Mr. *Molyneux* moved, that the appointment of a president of the council, with a salary, was derogatory to the House, and useless to the kingdom.

The Hon. Mr. *Bourke* moved the question of adjournment, which was carried without a division.

WEDNESDAY, MAY 12, 1784.

Lord *Kilwarlin* reported from the committee appointed to draw up an address of thanks to his Grace the Lord Lieutenant, for his wife and just administration, that they had drawn up an address accordingly, which he read in his place, and after delivered in at the table, where the same was read, and is as followeth :

To his Grace CHARLES, Duke of RULAND, Lord Lieutenant General, and General Governor of Ireland.

The humble ADDRESS of the KNIGHTS, CITIZENS, and BURGESSES, in Parliament assembled :

“ *May it please your Grace,*

“ WE, his Majesty’s most dutiful and loyal subjects, the Commons of Ireland, in parliament assembled, see with particular satisfaction the arrival of that period which calls upon us

to review the various measures of our session, and to testify to your Grace thereupon the warm sense of our obligation and duty.

“ We have at once to congratulate ourselves, and to acknowledge the goodness of our Sovereign, in the appointment of a Chief Governor, who by attention to regulate his conduct by our wishes, hath fully confirmed the justice of that early confidence which we zealously professed in the liberality of his disposition, and the spirit of his hereditary virtues; a just estimation of such qualities must ever render him the favourite of a spirited and generous nation.

“ We are persuaded that his Majesty has observed with pleasure our attention to those objects which were recommended to our deliberation at the opening of the session, and has graciously accepted the assurance of satisfaction which we have repeatedly expressed in the blessings of our happy constitution.

“ And when we reflect upon the measures we have taken to ensure a constant supply of corn under every possible circumstance; upon the prospect of benefit in the management of the revenue; upon our attention to make the additional security of private property a cause of increase to the national credit; upon our provision for the improvement of the metropolis, and our encouragement of useful establishments, and of various branches of trade and manufacture, we doubt not of receiving the true reward of our services, in the approbation of our sovereign, and in the gratitude of our fellow subjects.

“ We reflect with true pride and satisfaction upon the solid advantages which have been obtained for this country within a very short period. We are aware of the situation of the empire, and the peculiar circumstances which have prevented the adjustment of some points which concern our trade and manufactures, and we rely upon the readiness of your Grace's liberal and benevolent assistance for the furtherance of such practicable measures as deliberate wisdom and generous policy may adapt to our real necessities and general interests.

“ As guardians of the rights and safety of our fellow subjects, as well as assertors of the natural honour, we have felt ourselves called upon to express our abhorrence of tumult and of seditious publications; zealous to uphold the true spirit of the constitution, we have made it the object of our unanimous resolution to defend its genuine liberty against the attacks of licentiousness.

“ We have not suffered to escape our grateful observation the early anxiety which your Grace manifested to remove every apprehension of party prejudices or partial changes in the councils or measures of government. We feel and acknowledge the benefits arising from such a principle; we have studied to shew

a sincere disposition to confirm them, by a liberal imitation; and we shall be zealous to concur in diffusing throughout every part of the kingdom the successful influence of so happy an example. Convinced as we are of the importance to this kingdom of a steady and permanent administration, it is our ardent wish that his Majesty may long continue your Grace in the government of Ireland."

Mr. *Molyneux* said, he wished the first paragraph of the address had been so worded as that he might have given his assent thereto; but there never was an address in his opinion, so disgraceful as the present—they had only recapitulated their own good actions, which were indeed but very few. He begged permission to say, that gentlemen who voted for the reform, and protecting duties, could not vote for the address; and though he was willing to pay the Lord Lieutenant every personal compliment, he could not pay him any for his political conduct, which had been every way disadvantageous and ruinous to this country. He then took a retrospective view of the business of the session, and the conduct of administration in the rejection of several bills that were salutary for this country; and he also reprobated the press bill in the most convincing and forcible terms.

Mr. *Griffith*.—Though not at all disposed to approve of several acts which have passed this session, I think I may very safely give my assent to this paragraph; it is merely preparatory, and serves only to introduce the business of the address—the customary compliment to the Lord Lieutenant—The words are, "we see, with satisfaction, the arrival of that period which calls upon us to review the various acts of this session." That is to say, we are very glad the session is at an end, and that we may retire to our homes.

Mr. *Corry* said he came to attend his duty in parliament, fully disposed to pursue every conciliatory and lenient measure that could tend to heal the disquiet of the public mind—he thought the present times demanded the most gentle methods to be used to restore harmony and contentment to the people, and therefore, an address which he would now oppose, must be exceptionable indeed, particularly as he wished to bear that testimony of his Grace of Ruland, to which his public and private virtues so well entitled him—but to the address now before the House, it was impossible for him to assent, as it seemed rather calculated to bestow a fulsome panegyric on the House itself, than to pay a compliment to the Lord Lieutenant. The very first paragraph seemed to give a general approbation on all the acts of the session; many of them he had opposed, and therefore, without forfeiting all claim to consistency he could not now approve them; but he was ready to declare his high respect for the Duke

of Rutland, and wished to have an opportunity of doing so, without at the same time being obliged to approve in the gross all the acts of the session.

Mr. *Forbes* opposed the clause upon the same principles that Mr. Corry had stated. He could not, he said, give a general vote of approbation to all the acts of the session; the bill which pretended to secure the liberty of the press he thought a violent attack upon that very liberty, and if it had passed as introduced at first into the House, would have been much worse than that which was passed by the long parliament, continued by Charles II. renewed by James, and which expired under King William. The bill in that state would have left the subject without a hope of redress, as it would have taken away the power of juries. I know, said he, I shall be told that there would be an appeal to this court and to that court, but many a poor man might be oppressed, who would not be able to find money sufficient for an appeal.

Among the exploits of the present administration, there is one which deserves to be recorded. I mean that of issuing a proclamation for apprehending Carey, the supposed printer of the *Volunteers Journal*. The proclamation recites, that whereas Matthew Carey did, on Monday April 5th, 1784, print and publish a news-paper, entitled, *The Irish Herald, or Volunteers Journal*. Now we the Lord Lieutenant, &c. in order to deter others from the like practices; that is, from printing on the 5th of April 1784, a *Volunteers Journal*, a thing which could never happen.

The *Attorney General*.—The Hon. Gentleman reserves all his objections to the business of the session till the last day, and then comes and offers them in opposition to the customary address.

Mr. *Forbes*.—I was absent in the country.

Attorney General.—I am sorry for it; but it accounts for his knowing so little of the subject; for though he seems to blame the House for a clause which did not pass, had he been here he would have known that that clause was given up because it was deemed inoperative; and if the Hon. Gentleman does not understand the principle of recognizance, I must tell him, that it can only affect freeholders, and even that in a manner very easily evaded; but as the bill at present stands, a judge will have it in his power to hold offenders to special bail, and that in any sum he may think proper. This is a much greater power than the recognizance clause would have given, and though that clause might have been a bugbear to the ignorant, a lawyer ought to be better informed. The Hon. Gentleman seems greatly distressed at the difficulty that people will meet with in appealing to the King's Bench. I should be very much ashamed of a

boy of one term's standing in the Temple, that could not point out an easy way by which an appeal may be brought.

Another grievance complained of by the Hon. Gentleman is, that government issued a proclamation for apprehending Carey without reciting his crimes; but if the gentleman had seen that proclamation, he would have seen that it recited an address from this House to his Grace the Lord Lieutenant, requesting that he would issue his proclamation, offering a reward for apprehending Carey; and had he attended his duty in parliament, he would have known that the paper of the 5th of April had been voted a false, scandalous and seditious libel, the printing of which, I trust even the Hon. Gentleman will deem a crime, for which a man ought to be apprehended and brought to trial; for my part, I cannot see the folly of the proclamation; perhaps when the Hon. Gentleman is made Solicitor General, he will write proclamations in a different stile.

As to the bill which the Hon. Gentleman seems to dislike the more because it is amended, it is this, and this only; a bill to oblige printers to answer to the laws of their country for what they shall print; they are not restrained from printing whatever they think proper; they may print scandal, sedition, or high treason, but they must answer for it as all other men are bound to answer for their actions. In England such a law as this would be unnecessary, as every printer is there known; and it can be deemed no very great restraint on liberty, to compel them to make themselves known here. Had the press gone on as it was going of late, it would have annihilated its own liberty; but this law will preserve it. God forbid I should ever see a bill to injure its liberty introduced in this country; I would oppose such a bill as much as any man; I would support the liberty of the press with as much zeal as the Hon. Gentleman; nor would I ever have consented to the bill in question, if I was not convinced that it was the most effectual means to preserve that liberty.

Mr. *Forbes*, in reply to the Attorney General, said, that his assertion, that the clause respecting hawkers, who sold unstamped papers, was copied exactly from the English act, was not founded; that the clause in the English act was totally different and less penal. Though the Right Honourable Gentleman had reflected on his learning of the constitution, he should not retort, though he was well warranted, as the most learned body in this country had dismissed him from their service in maintenance of the constitution, and he would not do so much injustice to the Right Honourable Gentleman, to think that learned body could have imagined that he knew the principles of the constitution, and yet did not reduce them to practice in his parliamentary conduct; it could and it must only have been ignorance. As to the clause of the

recognizance; and the justice of peace acting as judge and jury, and determining whether a newspaper was a libel or not, the Right Honourable Gentleman's defence has been, that those clauses were given up by the ministry, therefore those clauses were either futile or prejudicial, bad or ignorant; in either case the law officer was culpable, either for ignorance of, or malice against the constitution. As to the proclamation published for apprehending the printers and publishers of the *Volunteers Journal*, Mr. *Forbes* still insisted, that it was framed in an illegal and unconstitutional manner; that there was no offence stated; that the offence should be stated with convenient certainty, as it was intended as a warrant to apprehend and deprive certain persons of their liberty; but, on the contrary, the only offence set forth and specified, was the publication of the *Volunteers Journal*, or *Irish Herald*, of the 5th of April, 1784, and the great object of the proclamation was to prevent and deter all persons in future from the repetition of such practices, namely, the publication of the *Volunteers Journal*, or *Irish Herald*, of the 5th of April, 1784, which was in itself an absurdity, as it required the ingenuity of all the law-officers of the crown to repeat the offence of publishing a *Volunteers Journal* on the 5th of April, 1784, unless there was to be a new creation of the world.

Sir Hercules Langrishe—It seems to me somewhat singular, that gentlemen should found their opposition to the first paragraph of the address, which refers to the consideration of our past conduct this session, in objections to a bill which did not pass, and apprehensions of evils which exist but in common rumour. The Honourable Member says, "If the press bill was passed, as it was originally introduced, it would have been injurious to liberty." I answer the press bill did not pass as it was originally introduced; and, therefore, there is no force in the argument; on the contrary, if the wisdom and temper of this House reformed and improved this bill, so as to render it unexceptionable, so as to pass the House unanimously; such reformation, and such improvements are amongst the measures of this session, which we can look back to with satisfaction; so that in order to object to this bill, gentlemen are obliged to represent it not as it is, but as it was, or as they fancy it was; and they object to parliament, because when a bill was presented, which they say was exceptionable, the House of Commons changed it into a bill which every body allows to be unexceptionable.

The next objection to this paragraph is, "A rumour of new offices to be created." Whether there be any foundation for such rumour, I know not; but I know very well that rumour is no foundation for the proceedings of parliament; and this particular rumour, has no relation to the present question.

The next objection to the address is indeed a serious one—“That we had been this session inattentive to the distresses, the commerce, and the manufactures of this country.” God forbid that such a charge were well founded! God forbid that we should carry with us to our several counties the dark reflection, that at this critical time we had neglected these great duties! If that were the case, we then indeed could not look back to our past conduct with satisfaction. But the case is not so, and I am happy that the subject has been brought into discussion, as it gives me an opportunity of stating to the House, who may have forgotten them, and to the people who have been deceived, and from whose knowledge they have been industriously suppressed, some of the public benefits which this one session has conferred on the trade and manufactures of Ireland. And I am confident, when the public mind has time to repose, when it shall shake off the cloud of misrepresentation with which it is involved, when the people shall have leisure to read the statute books instead of the newspapers they will there find testimonies of your faithful attention to their interests, which ignorance cannot misconceive, nor malice misrepresent. They will then find, that though the parliament could not comply with every speculation, or every project of every man in the nation, it accomplished great objects of public benefit.—They will find, that although the House of Commons, from the particular situation of this country, refused to adopt a system of prohibitory laws, yet, so far as the principle of protecting duties goes to give a preference to our own manufactures, in our own markets, we have adopted it, and extended it more in this one session than we had in forty years before. Not a single branch of your arts, your manufactures, or your commerce has been unattended to, or unaided by some new protection, this session of parliament.

In the first place you have struck off the antient allowances to the importing merchant, whereby you have imposed a new duty of six per cent. on the amount of customs on every article of manufacture to be imported, and this is in addition to another new tax of the last session on the same articles, which you have continued of five per cent. on the joint amount of custom and excise. By a distinction in your revenue bill between new and old drapery, you have encreased threefold the duties on the import of several species of woollen goods. You have passed a bill also for appropriating bounties of about eight per cent. to the manufacture of woollens, cottons, iron and kentings. You, over and above all this, have laid a new additional duty of six-pence per yard on calicoes imported. You have struck off all duties on the export of your own manufactures. You amply protected your brewery, by laying an additional duty on English beer of 2s. 10d. on every thirty-two gallons, which is near 4s. per barrel. You

have protected your distillery by an additional duty of 8*d.* per gallon on brandy and geneva, and 6*d.* per gallon on rum, which last is the produce of the British plantations. You have encouraged your iron and steel wire manufacture, by laying a new duty on the foreign imported of 2*s.* 10*d.* per hundred. You have given new encouragement to your glass works, by exempting from duty a principal material employed in them. And finally, by allowing the whole duties on tobacco to be bonded, you have evidently postponed revenue to commerce, and in fact augmented the trading capital of the whole kingdom. These are the measures of this session of parliament respecting manufactures. And let me ask, if these are measures with which the people can be dissatisfied?—Are these measures with which the House of Commons is to be reproached?—Are these measures which should induce you to withhold from the Chief Governor the accustomed tribute of respect, which you have always paid to his predecessors? And that too in the person of the Duke of Rutland, who has been but a few months amongst you; who brought over with him the recommendation of an high character and an illustrious name; whose first action was the relief of the poor, whose subsequent magnificence has given employment to the industrious, and who will come to your parliament to-morrow or next day, to complete and finish the public benefits that I have recited.

I am sorry that any thing like opposition to this address should have made it necessary to remind the House and the public of those matters of fact, of which they may not perhaps have been thoroughly sensible; however, I am confident that when the people have time to reflect, they will feel their importance, acknowledge their force, and reverence those by whose exertions they were obtained.

The Recorder said, if the address was only a personal one, he would not oppose it, but as it contained matter relative to acts both illegal and unconstitutional, he could not, consistent with his former conduct, give his assent to the address. He reprobated in the strongest terms the bill against the liberty of the press, and in particular where the liberty of the subject was as much restrained under the eye of his Excellency, as in the meridian of France—a glaring instance of which came before him last quarter session, in the court where he has the honour of presiding:—On the return of the calendar by the keeper of Newgate, one John Andrews was returned in his custody, as committed on a warrant by Judge Robinson, for a charge for leaguings with others to shoot a Right Honourable Member, and some others of the House. On enquiry, he was informed the prisoner was denied the admission of his wife, relations, and friends, or the use of pen, ink, and paper, or the receipt of any letter or intercourse whatsoever; and that these orders to the goaler, were from the Solicitor for the

Crown. He then read the letters from the Crown-solicitor to the gaoler, in corroboration of what he had asserted.

The *Solicitor General* said, he was surprized the Honourable Gentleman would bring that matter before the House where it was not cognizable, and not bring it before the King's Bench, where it was; or why did he not bail him at the court where he presided, if he would venture to do it?

The *Recorder* replied, he only mentioned the matter to the House, to shew them the illegality of the proceedings; that the gaoler returns every person in custody, but such as are returned to the commission, he, in his judicial capacity, had no power over: but if it was in his jurisdiction, the man should not remain a moment unbaild.

Mr. *Toler* said, that he lamented the ferment that seemed to agitate the minds of the people. There were some gentlemen he was sure meant well, yet he was apprehensive they often mistook the matters in question, and that their zeal often misled them.—He particularly recommended it to an Honourable Member who represents a county wherein the metropolis of the kingdom is situated, to be careful, and to hand down his property to his posterity; he hoped for his concurrence on the present occasion, as his influence in the county was great, which might have a tendency to stop public clamour, as his conduct was watched on both sides; he knew the Honourable Gentleman had the first foreign intelligence, and hoped he would always give the first to the House, which would tend to the quiet of the kingdom, which if disturbed, he feared we might be put under martial law, which would be the most disagreeable situation the country could be under.

Sir *Edward Newenham*—The last Speaker called upon me to vote on his side; I never have done so, nor probably, ever will. I should ill deserve the confidence of the county of Dublin, if I thanked a Viceroy, under whose administration a reform of representation and protecting duties were denied in the most ungracious and insulting manner: By denying protecting duties, you are famishing or forcing thousands to emigrate; by refusing the plan of reform, you will render this country a nation of slaves, impoverished by the taxes that will be raised to support corruption.—I am further vindicated in opposing any compliment to the Duke of Rutland, as the cities of Dublin and Cork have refused the usual tributary compliments; and the citizens of Dublin have ever been remarkable for their loyalty and their virtue.

Mr. *Corry* proposed an amendment to the first paragraph, viz. after the words "arrival of that period," to insert these words, "when we are to express the high respect this House entertains for the illustrious and hereditary virtues of your Grace"—and to leave out all the subsequent words of that paragraph.

Right Hon. Mr. *Gardiner*.—As the address must embrace every measure of the session, I shall vote for the paragraph in its first form, because I approve of every measure of the session.

This may be thought an odd declaration, as government differed from me upon the question of protecting duties; but I believe the principles of government were with me upon that question, and very great excuses are to be made for their not complying with my wishes, if we for a moment consider the disturbed state of England, which rendered it almost impossible; for had any thing effectual been done for this country, the enemies of the minister in England would have made it a theme to cry him down—they would have said he had sacrificed the interest of England. I therefore fear that I have brought on that question somewhat too soon, but I was pledged to it, the people, pressed by want of employment, looked anxiously to the event, and they would have thought themselves deserted, if it had been deferred. But notwithstanding the state of that question, I hope and believe that something effectual will be done. The only objection to the address is, that it does not speak to this point. Indeed I think it should, and therefore I yesterday voted for an amendment to that purpose; that amendment would have called attention to the miseries of the people; yet I cannot blame gentlemen who opposed it, for it is better to act for the relief and advantage of the people, than to disquiet their minds by making their sufferings a common topic.

I do now most earnestly request gentlemen who have the administration of affairs, that they will consider the state of this country; our connection with Portugal, and indeed our whole system of commerce is at sea. It must be put on a solid foundation, and the effecting of this will involve the consideration and construction of every treaty which England has entered into, and whether we are to be entitled to all the advantages which England has stipulated for herself.

I do not think that this is a business of negotiation, but of explanation, and I think that in all new treaties ministers must take care that we shall enjoy every benefit in the same extent as England.

Mr. *Grattan* supported the address, and pointed out many beneficial acts by which this session had been distinguished.

Sir *John Blaquiere* said he felt great reluctance in opposing any thing which had the appearance of doing justice to the character and blood of the present chief governor, but he saw no use in the amendment; he did not think it would make the address more agreeable to his Grace, and he should, therefore, vote against it.

Though several grounds of objection had been made by those who opposed the address, (and no others that he could recollect)

because the present administration had refused the bill of reform, had opposed the protecting duties, and had passed the press bill; surely every gentleman knew that the two first measures had been absolutely decided upon and disposed of before the Duke of Rutland landed in Ireland, although they had since been brought forward in other shapes; and as for the press bill, it had the unanimous approbation of the House, and gentlemen, therefore, who were some of them so warm against it, ought to recollect that it passed the House with their concurrence. These were facts, and he hoped they would be taken into consideration by every man who means to vote upon the question.

Mr. *Michael Smith*.—It is said the address is only complimentary; if so, the amendment not only conveys that in the most forcible language, but, by the ingenuity of gentlemen in administration, goes to a misrepresentation of the measures, (garbled measures.) Some gentlemen think some of them were injurious to the country; and they are as good judges as those who say they are not. If we are to compliment the Viceroy thereon, we are only pronouncing a panegyric on ourselves. I will agree to compliment him as Duke of Rutland, but not otherwise.

The address was agreed to.

THURSDAY, MAY 13, 1784.

The Speaker having taken the chair,

The Right Honourable Mr. *Orde* informed the House, that such members as were of his Majesty's most honourable privy council, having waited on his Grace the Lord Lieutenant, to know when his Grace would please to receive the address of the House, his Grace had appointed this day at four o'clock.

Mr. *Griffith* desired to know what time the House would adjourn itself to, as he intended moving an address to his Majesty, on a subject of the highest importance.

The Hon. *John Bourke* said, he believed the House would not sit this evening after going up with the address to the Lord Lieutenant; and advised the Hon. Member to postpone his address till to-morrow, when it might be investigated with that attention and respect, of which he doubted not it was worthy.

The *Attorney General* proposed to have it immediately discussed; he thought, possibly, there might be time to go through it this day. He said, he entertained the highest respect for the Hon. Gentleman who had mentioned his intention of bringing in the address, and doubted not the address itself would de-

serve equal respect. He desired the Hon. Gentleman would state the substance of it.

Mr. Griffith. I did not expect to have heard a dutiful and loyal address to the King treated in such a light, and trifling manner, by any gentleman who sits on that side of the House, especially by the Right Hon. Gentleman who fills such an high office under the crown; the address, Sir, does not deserve to be so treated; it is on a subject too important; and every man who wishes to promote the peace and prosperity of this country, and to continue the harmony and connexion between it and England, will treat this subject with attention. But the Right Hon. Gentleman seems to disregard any thing that relates to the good of this country—he seems to treat every thing proposed in such a flimsy and flippant manner, as if the good of the country was no concern of his; but I will not be treated by that gentleman or any other man with disrespect. I call upon the Right Hon. Secretary, for whose character I entertain the highest regard, to answer me, whether, if I put this motion off till to-morrow, I shall then have an opportunity of making it.

The Attorney General. As I suppose the fumes of the gentleman's anger are now pretty well evaporated, I shall venture to speak a word.

The House must perceive how little cause the gentleman has had for his very extraordinary warmth: I did declare that I entertained the highest respect for the Hon. Gentleman, and as I did not doubt but the address itself would deserve equal respect, I desired he might state it, and to shew my attention to it, proposed to discuss it immediately; whereupon the Hon. Gentleman breaks forth into a strain of very coarse invective indeed.

The Hon. Gentleman accuses me of doing my business in a flimsy manner; it may be that I do, but I have not heard so from any other quarter.

The Hon. Gentleman says, I do it flippantly. I confess that I do not like to accelerate business, and that I hate all long speeches.

The Hon. Gentleman says, I treat every thing proposed for the good of the country as if it was no concern of mine: That I deny. I am conscious that the good of the country concerns me as nearly as it does that Hon. Gentleman; and I am as desirous to promote it as that Hon. Gentleman, or any other Hon. Gentleman, be he ever so angry. But if the Hon. Gentleman imagines I will answer him in that strain that he has spoken, he is very much mistaken; or if he is angry, that he does not put me out of temper. I am sorry I cannot indulge him by getting into a passion. Nothing that the Hon. Gentleman

can say shall ever put me out of temper. But I shall continue to act without anger or violence; though determined in all other points to gratify every reasonable wish of the Hon. Gentleman's.

It being four o'clock the House adjourned for an hour, in order to go up with the address to his Grace the Lord Lieutenant. When the members had returned from the Castle, and the Speaker had resumed the chair,

Mr. *Griffith*, after apologizing for having taken upon himself so arduous a task, as an address to his Majesty, upon the present state of affairs; and having reminded the House that he had entreated two Right Hon. Gentlemen, whose abilities entitled them to come forward with confidence on such an occasion, said—I feel myself an unconnected and insignificant individual, and have nothing to compensate for these disadvantages but the honest zeal I feel for the welfare of my native country. When the measure of protecting duties was brought forward, a wish was expressed from every quarter of the House that something should be done for the distressed and industrious manufacturers of this kingdom, but no one thought proper to come forward with a temporary relief, much less an adequate remedy; for I will not grace the flimsy scheme of the Right Honourable Gentleman (Mr. Foster) for granting 15,000*l.* in bounties to our manufacturers, with any other title than an incompetent expedient. Good God! what a miserable idea must we form of the manufacturers of this great kingdom, if we imagine that 15,000*l. per annum* is sufficient to raise them from the deep distress and depression under which they now labour! One circumstance alone is sufficient to prove the dejected and hopeless state into which we are fallen: While all Europe is rejoicing in the blessings of peace, and turning its thoughts towards manufactures and commerce, Ireland is plunged in the depth of despair and misery, at finding herself incapable of deriving any benefit from the universal tranquillity, except by affording to her starving and industrious manufacturers more easy and frequent opportunities of flying into foreign countries! The only serious objection that has hitherto been urged against the measure of protecting duties, was founded on an apprehension that it would probably be a means of creating a dangerous contention between Great Britain and Ireland. This objection is effectually done away by the address which I shall have the honour to move, the principal objects of which are, a commercial arrangement with Great Britain upon the basis of reciprocal advantages, in order thereby more closely to connect the two kingdoms in one common interest and brotherly affection. I love and respect England; but I am still an Irishman—I wish to see the two countries united in the closest bonds of friendship; and therefore it is that I wish to see them

standing on terms of perfect equality. It is with nations, Sir, as it is with men. There can be no friendship between the servant and the master; nor can any other sentiment subsist between the tyrant and the slave, than oppression and distrust on one part, and hatred and perfidy on the other. I am not afraid, Sir, to declare my horror and detestation of those infamous incendiaries who are daily disseminating sedition through the land, and endeavouring by vile, but effectual arts, to alienate the affections of his Majesty's subjects from their lawful Sovereign, and from a friendly connection with Great Britain: Such men are the betrayers and destroyers of their country, and ought to be treated accordingly.

But, Sir, when I speak this language, I shall at the same time accompany it with a true statement of the temper of the people—they are not satisfied—and in my opinion, they have no reason to be contented. The Right Hon. Secretary I hope is assured, that it is not my wish or intention to say any thing personally disagreeable to him; I have the highest respect for his character; but I shall nevertheless affirm, that it is not by silent contempt, it is not by adding insult to injury, that the affections or the good opinion of the people is to be obtained; nor is it by such conduct that the feverish dispositions which they have shewn, are to be assuaged. Let him recollect that the discontents which so long prevailed in America before the war broke out, were for three years considered by the treasury bench in England “as the factious ebullitions of interested and disappointed persons.” God forbid that ever I should live to see the day when a parallel could be fully drawn between Ireland and America: The only remark I shall make upon this is, that he is a weak man who is not instructed by example; but he is a madman that will not profit by experience.

He then moved the address as follows:

“That his faithful Commons, humbly beg leave to approach his Majesty's throne, with hearts full of gratitude, for the many blessings they enjoy under his wise and benignant government; and at the same time to express to his Majesty, the deep concern they feel at the great and almost universal distress which pervades the lower ranks of people in this kingdom, particularly the more industrious orders of men, namely, the woollen, cotton, and silk manufacturers.—That his faithful Commons beg leave humbly to represent to his Majesty, that his Majesty's subjects in Ireland have always been a loyal people, and have on every occasion manifested the warmest attachment for his Majesty's royal person and family; that as they are deeply impressed with his Majesty's paternal care and affection, they do humbly hope that his Majesty will be graciously pleased to take the distressed state of this kingdom into his most serious con-

sideration, and that he will direct his ministers in England and in Ireland, to make such enquiries into the relative situation of both countries, as may enable them to come forward, early in the next session of parliament, with some wise and well digested plan, for the more liberal arrangement of commercial intercourse between Great Britain and Ireland.—That his faithful Commons, humbly beg leave to assure his Majesty, that such a plan, formed upon the broad basis of reciprocal advantage, would be the most effectual means of strengthening the empire at large, by uniting the people of both kingdoms in one common interest and brotherly affection.”

He concluded with saying that he believed no man who had the smallest respect for his Majesty, or who had the least interest in the welfare of this country, would treat so loyal and affectionate an address with disregard.—He hoped that no man would be bold enough to move the previous question on it—the *previous question, that political bow-string with which the mutes of the Castle strangle every honest subject, which they dare not openly arraign.*

Mr. Hartley.—I rise to second the motion of my Hon. Friend. If government does not shortly devise some scheme to make the people happy and contented at home, in a little time it will be too late: Every day they are emigrating in hundreds, and so profitable do the merchants of America find the trade of carrying them thither, that they encourage it to the utmost, and hold out every inducement to our people to abandon their native country. I think, Sir, it is our duty to stop it; and this can only be done by giving us the advantage of trade and commerce at home. I hope, therefore, that England will not, while she enjoys the full benefit of our country as a market for her manufactures, continue to treat us as a foreign hostile nation, which she now does by the interpretation she gives to the navigation act; by which all the productions of America and the West Indies are precluded in England if shipped from Ireland; while Ireland is open to receive the very same articles if shipped from England. This surely can never be deemed equality, and is directly repugnant to the liberal construction of the navigation act given by the Right Hon. Gentleman (Mr. Foster) on the treasury bench, the beginning of this session. I think, therefore, that gentleman called upon; and as I believe him the sincere friend of this country, and zealous promoter of its manufactures, I hope he will concur in the address.

Mr. Orde.—The Hon. Gentleman had no occasion to apologize for bringing forward this address, or to rest his claim to attention upon the merits of the address itself. The open, candid, and honourable conduct of that gentleman renders every motion of his an object of attention; and I assure him that I

will always be ready to pay the utmost deference to his opinions, as I will to those of every gentleman in this House.

But though I admire the honest warmth of the Hon. Gentleman, I thought I had satisfied him when he did me the honour to call upon me, of the difficulties under which ministry lay, in arranging a commercial system between the two kingdoms. I assure him, and I now declare to the House, that his Grace the Lord Lieutenant undertook the government of this kingdom with the most ardent desire to promote its prosperity, and with a firm resolution to establish its trade and manufactures upon a solid foundation; this is still the most anxious wish of his heart, and will to the utmost be forwarded, by those who have the honour to act in obedience to his commands.

I have often been obliged to preserve a painful silence, when questions similar to the present have been agitated in this House, conscious of the difficulties under which ministry labour, in their purpose of bringing forward a plan of commercial regulations between the two kingdoms; but though this be a measure of difficulty, I can assure the House that it is most sedulously attended to, by those who have the direction of affairs on both sides the water; and that the interval between this and the next session, will be employed in collecting materials, and arranging every matter that can at all conduce to this desirable end.

I hope the Hon. Gentleman will not now think it necessary to persevere in his motion, especially after the address that we have this day presented to his Grace the Lord Lieutenant: That address implies all that the Hon. Gentleman's motion contains; and as his Grace's answer fully demonstrates his good intention towards this kingdom, I hope it will not be deemed necessary to address his Majesty, to command the Lord Lieutenant to do that which it is his earnest desire to perform.

Sir Edward Newenham.—I totally differ from the Right Hon. Member: He says that this is not the proper time. Can any time be more proper than when the nation is agitated, and the manufacturers starving? Will administration close their career without given the nation a gleam of hope? Gentlemen say, that parliament has passed many good acts: Perhaps they may, in the opinion of some few individuals interested in the favours of the Crown; but I will aver, "that, they have done those things which they ought not to have done, and left undone those things, which they ought to have done." Will you refuse to lay the grievances of an impoverished and insulted nation before the father of his people? The address is moderate, and unexceptionable, only for its moderation: If you disagree to it, you can no longer be deemed the guardians of Irish trade and manufactures, but the despicable tools of English riders. Their patience must be great to wait nine months for redress.

Mr. Hewitt.—I am ready to believe, Sir, that the motive of the Hon. Gentleman for moving this address proceeds from a wish

to further the interests and promote the welfare of the country.—I am very ready to believe this, as I have been more than once a witness to the Hon. Gentleman's candour. I was a witness to his candour when the Hon. Gentleman, though a champion of liberty, declared that the press bill, in his opinion, was so free from objection, that it should have his hearty concurrence. Having acted so disinterestedly, I think I am bound to believe that public justice actuates his political motions; that he has brought on this motion with a sole view of promoting the commerce of his country on a great and respectable footing, and that it is not his wish to distress or embarrass administration. But the gentleman will excuse me, if I express my apprehension, that the warmth of his ideas, that the warmth of his attachments to his country, are nearly betraying him into a measure, that so far from promoting the good of his country, will throw it, as this address is drawn up, into that critical and embarrassed situation as to produce the most unpleasant, the most mischievous consequences.

It is admitted by all sides of the House that it is hardly politic at this moment to commence a commercial negotiation with England.

As to protecting duties, a Right Hon. Gentleman declared that when he brought before the House the question respecting protecting duties, he felt very considerably he was bringing it on at an improper unseasonable time, but that he considered himself so far pledged that he could not with honour draw back. The same reasons that induced that Right Honourable Gentleman to wish that he was at liberty to postpone the consideration of that question, should operate and induce the Honourable Gentleman to withdraw his present motion. The same circumstances that rendered that an unseasonable moment, exist in a much greater force than they did then.—It is impossible for any man in this House to be ignorant of the situation of the minister in England.—It is impossible for any man to be ignorant how violently party dissensions rage there.—It is impossible for any man of sense to be ignorant how difficult, nay, how dangerous it would be to try to work upon the people when their passions are so highly inflamed.—Impossible for any man to be ignorant how difficult it is to reason the people out of their prejudices even in the coolest moment; and consequently how much more difficult it would be to convince them when their minds are convulsed and in a fever.

If the minister in England had the strongest inclination to adopt the wishes of Ireland, in their utmost latitude, he could hardly indulge them at this moment. He would be held out probably as sacrificing the interest of England to the interest of Ireland; insuperable difficulties would be thrown in his way, the pre-

judices, the passions of the people would be worked upon; and if he was deprived of their good opinion, which he so eminently possesses now, and which is his strongest support, of what use, of what service, would his good wishes to Ireland be? In a little time, it is to be hoped, the violence of party will subside; in a little time it is to be hoped England will enjoy a permanent, a confidential, and a vigorous administration; the prejudices of a people will wear away; the great body of merchants will be convinced that it is the interest of both countries that the commerce of both should be regulated on enlarged and liberal principles. Then will be the moment for Ireland to enter upon a commercial negotiation with England. But now, grasping at all we get nothing.—It is by moderation, by management only that the great object of this country can be attained.

In my opinion this address will effect nothing but what the address of yesterday would with more propriety. It may do more mischief. The great and noble character that is sent to govern this country is come over with the strongest dispositions to further its interest and promote its welfare. I am so thoroughly convinced of the rectitude of the intentions, and of the abilities of the Right Hon. Gentleman who acts in this House as minister, that I cannot entertain a doubt but when an opportunity offers to promote the commerce of this country, in every particular, he will seize the opportunity, and seize it with eagerness.

Though born in another country, no one, I trust, has the interest of this more at heart than I have; no one would feel more sensibly the satisfaction of seeing its trade in as great and flourishing a way as ever the trade of England was; but as I am convinced in my soul that the great objects of this can only be obtained by temperance of conduct, by moderation and management, I shall ever set my face against any thing that looks like precipitation and violence.

I believe the gentleman's motive a good one, but he will excuse me if I say, that in my opinion, so far from removing difficulties his address may multiply and encrease them; he will excuse me if I say, that in my opinion he will serve his country better by withdrawing the present address than by persisting in it.

Mr. Brownlow said, that he had opposed the protecting duties as dangerous to the linen manufacture, but at that time hoped some less objectionable plan would have been proposed: That he had a good opinion of the intentions of our present Chief Governor, but how were we sure he would remain here until the next session of parliament! and if he did, the address must strengthen his hands.

Mr. *Boyd* and Mr. *Molyneux* spoke in favour of the address.

Mr. *Corry* spoke for the address.

Mr. *Broske* said, the address by strengthening the hands of government, must eventually operate for the good of this country.

Mr. *Orde* declared his objection to the address was only as it threw an imputation on ministers on the other side of the water; and appealed to the House how repugnant it must be to the Lord Lieutenant's feelings, to shelter his own character by throwing an imputation on others, when in truth it was impossible for any ministry on either side of the water to have yet settled that system of commercial regulation, which was so necessary to the welfare of both countries.

Right Hon. *John Foster*.—Though I would not oppose the Hon. Gentleman's address, if it was confined merely to the subject of commercial regulation between the two kingdoms, yet there are some parts of the arguments he has used to which I cannot assent, because they are not true. He says the people have cause to be discontented—I deny it—unless he means that cause which no human power could prevent—the inclemency of the late season. The utmost efforts indeed have been made to alleviate it, by the corn bill, and other measures. I know the news-papers have taken pains to inflame the public mind, and to irritate the passions of the people, by false and seditious writings; and those who credit the falsehoods of news-papers may be discontented, but I will not believe that there are many such; the more reasonable and discerning persons cannot be misled, they must see that their representatives have been watchful of their interests, and that this session of parliament has been distinguished by many wise and beneficial acts. The gentleman says this has been a disgraceful session. I have sat many sessions, and I never knew one wherein so many good acts have been passed, or more public benefits procured. Another gentleman says this House is unpopular—unpopular it may be with the promoters of discontent and sedition, but it is popular with the wise and discerning. It would be a fatal day to Ireland, when the people shall quarrel with their parliament. The privileges of this House are the privileges of the people, its strength is theirs, and if they fail to support its strength and its privileges they are undone. I will mention some inaccuracies in the address, which cannot be agreed to; the principle of it I approve, and wish to bring it pointedly and fairly to that principle. It says, there is a great and universal distress throughout all our manufactures; which is not true; various branches feel no distress, except from dearness of provisions; the great manufacture the linen, is flourishing and encreasing. It says farther, that this distress pervades the most industrious

branches of Irish manufacture—the woollen, silk and cotton: Now this differs from the fact in two points; first, as representing the cotton manufacture in a distressed state, whereas it is thriving, and extending itself rapidly; and secondly, as representing these three as the most industrious branches; whereas though these are very great and valuable manufactures, I shall never forget that the linen manufacture is the greatest and most valuable branch, and the people who pursue it, at least as industrious as any other set of people in Ireland.

The Right Hon. Gentleman near me, (Mr. Orde) has properly observed, that this address as now framed, throws an unmerited censure on the present administration, as supposing it is necessary to intreat his Majesty to direct them to make enquiries, and form plans of commerce, which it is their duty, and I know is their zealous determination to do, and which his Grace's answer, delivered this day, expressly declares. The amendment proposed by Mr. Corry, of applying the direction only to the British ministers, is objected to by him with equal justice, as suspecting those ministers undeservedly, and with this clause in the address, he is right in dissenting.—But let us try whether we cannot unite by coming fairly to the point.

Let the Hon. Gentleman confine his address to what I am convinced we all desire, to proper and practicable commercial regulations, between this country and Great Britain, and that the interval between this session and the next may be employed in preparing them. Let him confine himself to this, without throwing an imputation on any set of ministers, or without seeming to call upon Majesty to command what I am well satisfied his representative here most ardently desires, and will pursue.—[Mr. Griffith and others here expressed their assent].—I will propose words for the purpose, and then, though I think the address by no means necessary, and that every thing will be effected without it; and though the address of yesterday having said the same thing, makes it still more unnecessary, yet I will agree to it, because it contains no more than what we mean to do, what ought to be done, and what the answer of his Grace and the Secretary's declaration have already said; and I do not care how often, and in how many hundred shapes it is repeated. I will shew the people too how much they have been imposed upon, and that their representatives ought, and must be regarded by them as their truest friends. For me, my wish is, the prosperity of our commerce, and the true interests of Ireland; and I will steadily promote them without being deterred from the right line, either by the threats of ill-designing men, or the foolish courtship of a false popularity.

Mr. Griffith, with great candour, immediately closed with Mr. Foster's proposal, and at the Speaker's desire went over to the Treasury Bench, where, after communicating for some time with Mr. Orde and Mr. Foster, the following resolutions for an address

were produced, which being moved to the House, were assented to with the utmost unanimity, viz.

Resolved, That an humble address be presented to his Majesty, that his faithful Commons humbly beg leave to approach his Majesty's throne, with hearts of gratitude for the many blessings they enjoy under his wise and benignant government, and at the same time to express to his Majesty the deep concern they feel for those distresses which affect many of the lower ranks of manufacturers in this kingdom. That his faithful Commons beg leave humbly to represent to his Majesty, that his Majesty's subjects in Ireland have always been a loyal people, and have, on every occasion, manifested the warmest attachment to his Majesty's royal person and family. That as they are deeply impressed with his Majesty's paternal care and affection, they entertain the warmest hopes that the interval between the close of the present session and the beginning of the next, will afford sufficient opportunity for forming a wise and well digested plan for a liberal arrangement of commercial intercourse between Great Britain and Ireland, to be then brought forward. That his faithful Commons humbly beg leave to assure his Majesty, that such a plan formed upon the broad basis of reciprocal advantage, would be the most effectual means of strengthening the empire at large, and cherishing the common interest and brotherly affection of both kingdoms.

After the resolutions for the address had passed, the principal gentlemen of opposition appeared emulous to express their approbation of Mr. Foster's conduct; Mr. Corry in particular, when returning him his thanks, declared, that though sometimes they might differ in opinion, yet he had ever observed in that gentleman, the utmost zeal for the welfare of his country; and referred to his explanation of the navigation act, as the most unequivocal proof of his determination to stand or fall with its interests.

The *Speaker* reported that the House had attended his Grace the Lord Lieutenant with the address of this House to his Grace, and that thereupon his Grace was pleased to return the following answer:

"This affectionate mark of the esteem and good opinion of the House of Commons impresses me with the strongest feelings of lively gratitude. I return you my sincere thanks. I can never relax either in my zeal or my endeavours for the prosperity of Ireland, whilst, in addition to the commands of my Sovereign, I have the encouragement of your assistance, and the assurance of your approbation."

Ordered, That his Grace the Lord Lieutenant's answer be entered in the journals of this House.

Sir *Edward Crofton* resumed the business of yesterday, respecting the imprisonment of John Andrews, and moved, "That Thomas Kimmis, Crown-solicitor, attend to-morrow at the bar."

Sir *Edward Newenham*.—Under other circumstances I might vote against the present motion, but as the grievance complained of originated in this House, I think this House bound to give redress.—[Here several members called, no, no, and the Attorney General said, that the prisoner Andrews, was committed by a warrant under the hand of Mr. Justice Robinson.]—Sir Edward Newenham, continued, I maintain my assertion was right, for the resolutions of this House originated the proclamation, and that caused the arrest of the prisoner; the proclamation offered an enormous reward, sufficient for perjured wretches to accept of, consequently the confinement of Andrews took its rise from the conduct of this House. Good God! will an Irish Parliament refuse redress in such a case to an Irish subject? He beseeched gentlemen to remember, that the tyranny of a Bernard and a Hutcheson, severed the sons of freedom in a America, from the oppression of an English aristocracy: One of the first acts they complained of was the arbitrary confinement (without even the colour of law) of a printer. He called upon the Secretary and upon the House, to beware of driving three millions of united people to despair. Promises will avail but little in the present juncture of affairs; the starved manufacturers will not feel the benefit of daily work and food, from aerial promises; Irishmen are equally loyal and virtuous, and tenacious of their liberty; they have friends in every quarter of the globe. Are we to put an end to this memorable session, with a flagrant act of partial injustice? You committed the printers to double punishment, and you refuse to support the laws of the land in favour of a man perishing in gaol, through the influence of an illegal order: The exalted character of the Attorney General demands an investigation of this inquisitorial system; suspicions are gone abroad, and nothing but a public examination can eradicate them: Irishmen must see, that lawful liberty has been illegally refused to a subject of this country.

The Attorney General, Mr. Foster, and Mr. Mason, opposed it, on the principles, that it was not appertaining to the business of the House, but the Court of King's Bench. The Recorder and Mr. Boyd supported the motion.

A short debate ensued, after which the question being put, there appeared,

Ayes,	—	—	—	—	—	22
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FRIDAY, MAY 14, 1784.

The Right Hon. Mr. Secretary *Orde* reported to the House that his Grace the Lord Lieutenant had been attended with the address of this House to his Majesty, and that thereupon his Grace was pleased to return the following answer :

"I shall immediately transmit this dutiful and loyal address to be laid before his Majesty."

Ordered, That his Grace the Lord Lieutenant's answer be entered in the journals of this House.

Mr. *Warden Flood* moved that the Clerk of the House should deliver up the corporation books of the boroughs of Baltinglass and Dundalk.—Ordered accordingly.

A message from his Grace the Lord Lieutenant by George Bernard, Esq; Gentleman Usher of the Black Rod :

Mr. Speaker,

"It is his Grace the Lord Lieutenant's pleasure, that this House do attend him immediately in the House of Peers."

Accordingly Mr. Speaker, with the House, went up to attend his Grace in the House of Peers, where the royal assent was given to the following bills :

P U B L I C B I L L S.

1. An act for establishing a post-office within this kingdom.
2. An act for granting to his Majesty, his heirs and successors, a further additional duty on imported hops, and other duties therein mentioned.
3. An act for regulating the corn trade, promoting agriculture, and providing a regular and steady supply of corn in this kingdom, and for granting to his Majesty, his heirs and successors, the duties therein mentioned.
4. An act for licensing hawkers and pedlars, and for the encouragement of English protestant schools.
5. An act for continuing and amending an act passed in the twenty-second year of his present Majesty's reign, intituled an act for the improvement of the city of Dublin, by making wide and convenient passages through the same, and for regulating the coal trade thereof, and for other purposes.
6. An act for vesting the lands of Knockroe, and other lands in the county of Waterford, in his Majesty, his heirs and successors, to the uses therein expressed, and for other purposes.
7. An act for continuing an act, intituled an act for facilitating the trade and intercourse between this kingdom and the United States of America, and for furthering the said trade and intercourse.

8. An act for discharging certain arrears of quit, crown, and composition rents, which have been growing due for twenty years last past, on the terms and in the manner therein mentioned.

9. An act for the erecting and building of a new and convenient gaol and marshallsea in the city of Limerick, and to enable certain trustees or commissioners therein named to purchase ground whereon to erect and build the same.

10. An act to explain an act passed in the eleventh and twelfth years of his present Majesty, intituled an act for badging such poor as shall be found unable to support themselves by labour, and otherwise providing for them, and for restraining such as shall be found able to support themselves by labour or industry from begging, and to extend the provisions thereof.

11. An act for extending the provisions of an act passed in this kingdom in the nineteenth and twentieth years of his Majesty's reign, intituled an act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers and others as shall settle in this kingdom.

12. An act for regulating the police of the city of Waterford.

13. An act for the amendment of the law in relation to the salvage of ships and goods stranded, or in danger of perishing at sea.

14. An act for continuing and amending several laws relating to his Majesty's revenue, and for the more effectually preventing frauds therein.

15. An act for the apportionment and more easy recovery of rents in certain cases.

16. An act for the more effectually punishing such persons as shall by violence obstruct the freedom of corn markets and the corn trade, or who shall be guilty of other offences therein mentioned, and for making satisfaction to the parties injured.

17. An act for ascertaining the qualification of such persons as shall take out commissions of the peace for counties at large.

18. An act for regulating the import of cinnamon, cloves, mace and nutmegs, and for the better collecting the duties thereon.

19. An act to prevent the pernicious practice of erecting glass houses within the city of Dublin, or at a certain distance thereof.

20. An act to amend the laws for the encouragement of planting timber trees.

21. An act for the relief of prisoners charged with felony or other crimes, who shall be acquitted or discharged by proclamation, respecting their fees, and giving a recompence for such fees.

22. An act for the protection and improvement of the inland fisheries of this kingdom.

23. An act for the relief of the creditors of John Tunnadine, Esq; late one of the Masters of the High Court of Chancery in Ireland, and for vesting the estates, real and personal, of the said John Tunnadine, in commissioners and assignees, for the payment of his said creditors.

24. An act to further amend and explain an act made in the twelfth year of his present Majesty's reign, intituled an act for the making of narrow roads through the mountainous unimproved parts of this kingdom; and also an act made in the seventeenth and eighteenth years of his present Majesty's reign, intituled an act for amending the public roads.

25. An act to regulate the assay of gold, and promote the manufacture of gold and silver wares in this kingdom.

26. An act for the more effectually amending and repairing the road leading from the town of Dundalk, in the county of Louth, to Bannbridge, in the county of Down, and for the better securing the debts which are now due to the creditors of the said road.

27. An act for further promoting the linen and hempen manufactures.

28. An act for indemnifying such person or persons as have acted for the service of the public in advising or carrying into execution a proclamation of the Lord Lieutenant and Privy Council of this kingdom, bearing date the 27th of January, 1784.

29. An act for the more effectual discovery and prosecution of offenders called houghers, and for the support and maintenance of soldiers or others houghed, maimed and disabled by such offenders.

30. An act for buying and selling of malt by measure, and for the more effectual preventing frauds committed in the buying, selling, and delivery thereof.

31. An act for altering, amending, and rendering more effectual, the laws now in being for regulating and managing the public goals and prisons throughout this kingdom.

32. An act for the more easy discovery and effectual punishment of buyers and receivers of stolen goods.

33. An act for the more effectually preventing of the counterfeiting of the current coin of this kingdom, and the uttering or paying of false or counterfeit coin.

34. An act for making appropriate parishes belonging to archbishops and bishops perpetual cures, and the better to enable such archbishops and bishops to endow and augment the endowments of vicarages and curacies to them respectively appropriate, and to render more effectual the several acts now in force to enable the clergy, having cure of souls, to reside upon their

respective benefices, and to build on their respective glebe lands.

35. An act for better securing the money and effects of suitors of the court of Chancery and the court of Exchequer, by depositing the same in the National Bank, and to prevent the forging and counterfeiting any draft, order or other voucher, for the payment or delivery of such money or effects, and for other purposes.

36. An act for the more effectually paving, cleansing and lighting of the streets of the city of Dublin, and other places therein mentioned, and for making sewers and erecting fountains and conduits in the said city for the use of the poor, and for other purposes therein mentioned.

37. An act to continue an act passed in the eleventh and twelfth years of the reign of his present Majesty, intituled an act for the further preventing delays of justice by reason of privilege of parliament.

38. An act for the due accounting for all money granted for public works, charities and hospitals therein mentioned, and for the ordering a regular account in future of all monies entrusted to the corporation for carrying on the inland navigation, the trustees of the linen manufacture, the Dublin Society, the corporation for paving the streets of Dublin, and for other purposes therein mentioned.

39. An act directing the application of the sum of 15,000*l.* granted by an act passed this session of parliament, for the purpose of paying bounties on the sale of the following manufactures of this kingdom; that is to say, the manufactures of wool, of wool mixed, of cotton, of cotton mixed, thread, kentings, and manufactures of iron or copper.

40. An act to secure the liberty of the press, by preventing the abuse arising from the publication of traitorous, seditious, false and slanderous libels by persons unknown.

41. An act for disabling Philip, Lord Viscount Strangford, from sitting in parliament, or making any proxy therein; and also from sitting and voting on the trial of any Peer.

42. An act for reviving and continuing temporary statutes.

43. An act to remove doubts and scruples with respect to the construction of an act passed in this kingdom in the fifth year of his late Majesty King George II. intituled an act for reducing the interest of money to six per cent.

P R I V A T E B I L L S .

44. An act for vesting certain lands and premises therein mentioned, part of the estate of the Right Hon. Thomas, Earl of Louth, in trustees, for raising a sum not exceeding 6000*l.*

by sale or mortgage of a competent part thereof, to be applied to the purposes therein mentioned.

45. An act enabling the Right Hon. John Joshua, Lord Carysfort, Baron of Carysfort, to make long leases of his estate in the county of Dublin, and part of his estate in the county of Wicklow.

46. An act to explain and amend an act passed in this kingdom in the twentieth year of his present Majesty's reign, intituled an act for vesting in trustees certain lands and tenements, the estate of Francis Mathew, of Thomastown, in the county of Tipperary, in the kingdom of Ireland, Esq; for the purpose of raising a sufficient sum of money for payment of the debts affecting the same, and for other purposes in said act mentioned; and to enable the said Francis Mathew, since created Lord Baron of Landaff, of Thomastown, in the kingdom of Ireland, to settle a jointure or jointures upon any woman or women with whom he shall or may intermarry.

47. An act to enable the Hon. William Wesley Pole, and the several other persons in remainder under the will and codicils of William Pole, Esq; deceased, to settle jointures, and for other purposes.

48. An act for vesting several towns, lands, tenements and hereditaments, situate in the counties of Wexford, Mayo and Sligo, the estate of the Hon. Richard Gore, in trustees, in order that the same may be sold for the payment of debts and incumbrances affecting the same, and for other purposes.

49. An act for vesting certain lands, tenements and hereditaments in the Queen's County, formerly the estate of the Right Hon. Dudley Alexander Sidney Cosby, late lord Sidney, of Leix, and Baron of Stradbally, deceased, in trustees, for raising a sum of money sufficient to discharge the incumbrances affecting the same, and other purposes, and to enable the several persons intituled thereto to make building leases of part thereof.

50. An act for vesting certain towns, lands, tenements and hereditaments, situate in the counties of Fermanagh and Longford, the estate of John Enery, of Bawnboy, in the county of Cavan, Esq; in trustees, in order that the same, or a competent part thereof, may be sold for the payment of debts and incumbrances affecting certain lands situate in the county of Cavan, the estate of the said John Enery, and for settling the said lands in the said county of Cavan to the same uses to which the said estates in the said counties of Fermanagh and Longford had been settled, and for other purposes.

51. An act to enable the trustees in the marriage settlement of Hamilton Gorges, of Kilbrew, in the county of Meath, Esq; to convey the fee and inheritance, instead of the trust-term of four hundred years, of and in certain lands, the estate of the said

Hamilton Gorges, decreed to be sold by the court of Chancery for payment of the several debts in the said decree mentioned, and to enable the said Hamilton Gorges to settle a jointure of 400*l.* a year on any wife he may hereafter marry.

52. An act for vesting certain lands in the King's County, part of the estate of Peter Holmes, of Johnstown, in the county of Tipperary, Esq; in trustees, to be sold for the payment of debts affecting the same, and for appointing other lands to the same uses to which the said King's County estate had been settled.

53. An act for vesting lands and hereditaments in the county of Galway, part of the estate of John Monck Mason, of the city of Dublin, Esq; in trustees, for raising money to pay and discharge debts and incumbrances affecting the said John Monck Mason.

54. An act for vesting in trustees certain lands, tenements and hereditaments in the kingdom of Ireland, the estate of James Uniacke, of Mount-Uniacke, in the county of Cork, Esq; for raising a sufficient sum of money for the payment of the debts of the said James Uniacke.

55. An act for vesting certain lands therein mentioned, late the estate of Nicholas Archdeckne, of Gortnamona, in the county of Galway, Esq; deceased, in trustees, for payment of debts and incumbrances affecting the same.

56. An act for exemplifying or inrolling the last will and testament of Gilbert Donnellan, formerly of Cloghan, in the county of Roscommon, and kingdom of Ireland, but late of Mons, in French Flanders, Esq; deceased, and making the same evidence both in law and equity.

And then his Grace was pleased to make a speech to both Houses of Parliament, which is as follows:

" My Lords and Gentlemen,

" In addressing you for the first time in Parliament, at the close of the session, I embrace with pleasure the occasion which is afforded me of returning you my affectionate acknowledgments for the cordiality of my reception, and the early assurances of your confidence. And I am at the same time highly gratified in being authorized to communicate to you the sentiments of perfect satisfaction with which his Majesty approves of your exertions for the public welfare.

" Gentlemen of the House of Commons,

" I am happy in obeying his Majesty's commands, to thank you for the cheerfulness with which you have made provision for the exigencies and honour of his government. Let me assure you, on my part, that the readiness with which you have granted

supplies stimulates my utmost attention and care that they shall be managed with œconomy, and applied with prudence.

“ My Lords and Gentlemen,

“ You have much satisfaction in reflecting that the various objects which, in consequence of the acknowledged independence of the legislature, were recommended for your deliberations, at the opening of this session, have been diligently pursued and accomplished.

“ You have wisely given your sanction to the extraordinary expedients which it has been necessary to employ in order to preserve the kingdom from famine; and I feel great satisfaction in the prospect that they will be prevented for the future, by the new and judicious arrangement of your corn laws, and the improved extension of your agriculture.

“ I see with pleasure the exertions of an humane and liberal principle, which has prompted you to give encouragement to the national industry, by favourable regulations and well directed bounties. I have warmly at heart the advancement of your trade, and the success of all your manufactures, and I shall not fail either to consider or to represent those instances whereof the peculiar circumstances of the empire have hitherto prevented a full investigation, and which shall be found to require a further adjustment,

“ The useful regulations proposed to be introduced into the collection and management of the revenue; the security of private property, and extension of national credit, by depositing in the bank of Ireland the money of suitors in the courts of Chancery and Exchequer; the plans for improving the metropolis, calculated not more for ornament and splendor, than for health and convenience; your unanimous determination to defend the freedom of the constitution against the attacks of licentiousness; and your attention to the support of charitable institutions, are all unequivocal testimonies of your wisdom, humanity and justice.

“ I have not failed to convey to our sovereign the satisfaction you have so decidedly expressed in the blessings of that happy constitution which you enjoy under his Majesty’s auspicious government. Sensible as you are of these eminent advantages, it can hardly be necessary for me to desire that you should be attentive to impress them on the minds of others, over whom your superiority of rank and information must and ought to give you a just and benevolent influence.

“ I have a sure confidence, that during your residence in your respective counties you will seek to direct and encourage the industry of your neighbourhood, in the pursuits best adapted to their situations, and by which the community at large may

be most effectually benefited. You will point out to them the real resources of a free and fertile country, under the blessings of peace, and the mild protection of the laws; and you will not suffer misapprehensions to perplex, or false informations to misguide them.

“It is my happiness and pride to reflect that our united attention has been, and is directed to the same objects, of maintaining and advancing the rights, the dignity, and the prosperity of Ireland, and the general interests of the empire.”

And then the Lord Chancellor declared that it was his Grace the Lord Lieutenant's pleasure that this Parliament be prorogued to Tuesday the 29th day of June next; and the Parliament was accordingly prorogued to Tuesday the 29th day of June next.

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THIRD VOLUME
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THE
PARLIAMENTARY REGISTER:
OR,
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE of LORDS
OF
IRELAND,

The FIRST SESSION of the FOURTH PARLIAMENT
in the Reign of his PRESENT MAJESTY;

Which met the 14th of OCTOBER, 1783, and ended the 14th
of MAY, 1784.

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M,DCC,LXXXIV.

PARLIAMENTARY REGISTER

HISTORICAL

HOUSE OF LORDS

IRISH LAND

The first Session of the Twentieth Parliament
in the Fifth Year of His Majesty King George the Fourth
held at St. James's Palace, London, on the 1st of October 1820.
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TUESDAY, OCTOBER 14, 1783.

THE Lord Lieutenant being come to the House, sent a message to the Commons, desiring their attendance; who being come, the Lord Lieutenant desired them to return and chuse a Speaker, which they did, and having unanimously chosen the Right Hon. *Edmond-Sexton Pery*, their late Speaker, he was approved of by the Lord Lieutenant, when the Speaker (contrary to the old mode) declared in a short, but eloquent speech, his grateful feelings for the honour done him, and that he accepted the great, though arduous task, with pleasure.

B

His Excellency then delivered the following Speech from the Throne :

My Lords and Gentlemen,

It is with more than ordinary satisfaction that, in obedience to his Majesty's commands, I meet you, in the full possession and enjoyment of those constitutional and commercial advantages which have been so firmly established in your last Parliament. The sacred regard on the part of Great Britain to the adjustment made with Ireland at that period, has been abundantly testified by the most unequivocal proofs of sincerity and good faith.

It will ever be my wish, as it is my duty, to promote the mutual confidence of both kingdoms, and the uniting them in sentiments as they are in interest; such an union must produce the most solid advantages to both, and will add vigour and strength to the empire.

I sincerely congratulate you on the happy completion of his Majesty's anxious endeavours to restore the blessings of peace to his faithful people. The establishment of public tranquillity is peculiarly favourable at this period, and will naturally give spirit and effect to your commercial pursuits. Both kingdoms are now enabled to deliberate with undivided attention on the surest means of increasing their prosperity, and reaping the certain fruits of reciprocal affection.

I have the highest satisfaction in acquainting you of the increase of his Majesty's domestic happiness by the birth of another Prince.

Gentlemen of the House of Commons,

I have ordered the proper officers to lay the national accounts before you; from them you will be enabled to judge of the circumstances of the kingdom; and I rely on your wisdom and loyalty to make such provision as shall be fitting for the honourable support of his Majesty's Government.

My Lords and Gentlemen,

The miseries of an approaching famine have been averted by the blessing of Divine Providence upon the measures

which the Privy Counsel advised; the good effects of which were soon visible in the immediate reduction of the price of grain and the influx of a valuable and necessary supply to the market. Any temporary infringement of the laws to effect such salutary ends, will, I doubt not, receive a parliamentary sanction.

Among the many important objects which demand your attention, I recommend to your consideration laws for regulating the judicature of the Court of Admiralty, and for making a new establishment of the Post Office.

The Linen Manufacture being the staple of your country, it is needless for me to recommend perseverance in the improvement of that most important article.

The Fishery on your coasts will claim your attention as a promising source of wealth to this kingdom; and the encouragements granted to it will no doubt be regulated by you in the manner most likely to produce the best effect and least subject to fraud and imposition.

The Protestant Charter Schools, an institution founded in wisdom and humanity, are also most eminently entitled to your care.

I recommend likewise to your attention the proposals adopted by Government for providing an assylum for the distressed Genevans. It well becomes the generosity of the people of Ireland to extend their protection to ingenious and industrious men, who may prove a valuable acquisition to this country, which they have preferred to their own. But in forming this establishment, you will doubtless consider it as a part of your duty to avoid unnecessary expence, and ultimately to secure the utmost advantages to your country.

I anticipate the greatest national benefits from the wisdom and temper of Parliament, when I consider that the General Election has afforded you an opportunity of observing the internal circumstances of the country, and of judging by what regulations you may best increase its industry, encourage its manufactures, and extend its commerce.

In the furtherance of objects so very desirable to yourselves, I assure you of every good disposition on my part; sensible that in no manner I can better fulfil the wishes and commands of our gracious Sovereign, than by contri-

buting to the welfare and happiness of his loyal subjects. With an honest ambition of meriting your good opinion, and with the warmest hope of obtaining it, I have entered upon my present arduous situation; and with sentiments pure and disinterested towards you, I claim your advice, and firmly rely upon your support,

The Lord Lieutenant being withdrawn.

Dr. *Law*, now Bishop of *Clonsfert*, was introduced by two Bishops, took the usual oaths and his seat in the House, as did likewise the Lords *Leitrim*, *Harburton*, and *Landaff*, after being respectively introduced in the usual form.

His Grace the Duke of *Leinster*, in a short speech, after stating the advantages granted to this kingdom from his Majesty's spontaneous royal favour, moved an Address of Thanks to his Majesty.

Lord *Mountmorres*.—It is so long, my Lords, since I have had the honour of addressing myself to your Lordships, or indeed of turning my thoughts to any thing of a public and political nature, that it is with reluctance I appear before you upon the present occasion, and raise my voice once more within these walls.

After so long an absence, I shall, I hope, be allowed to use a prefatory word, upon the events that have passed in a period, distinguished by such rapid revolutions of Government, such fluctuations of Administration.

Upon that head, my Lords, with regard to a late Viceroy, who is now at the head of administration in another country; upon that I can say but little;—of their promises, of their engagements, of their fulfilling their professions, of their consistency, in and out of place, of their regard to their friends, of their gratitude to those who have remained firm and attached to them in the hour of trial and in the day of adversity; upon all these points I am not competent to speak, for I know nothing of them.

One measure of theirs I must advert to, I speak of it from what I have learned, through the medium of the public prints, when I was abroad; if it be as represented, had the same principle pervaded their Administration, that operated in depriving a worthy gentleman of the long robe of his place, (Mr. *Coppinger*) the people of this country

would have reason to recollect and apply that well known story, which is told of a favourite of King William—the first Earl of Portland—a story which, I make no doubt, your Lordships have often heard: A noble Lord near me says he has not heard it: I know not whether it be worth repeating; but the story is this:—When the first Earl of Portland had obtained a grant of lands in the principality of Wales, he went down to take possession of them, and thought proper to usher his introduction among the country gentlemen by a speech; but not understanding the English language correctly, he mistook one word for another, and said, “Gentlemen, I am come down here for all your goods.” Upon which a country gentleman, a plain man, who was standing by, said, “Yes, my Lord, we believe your Lordship, that you are come down for our goods, and for our chattles also.”

But, my Lords, there was an appointment of the greatest importance, a great military designation in this country, which nothing could have justified under the circumstances which attended it. I will not enter into it now; the presence of that general—motives of politeness and decency forbid me to wound the ears of the unfortunate.

But, my Lords, leaving aside the cabals of Government and the changes of Administration, I am now to speak in a higher strain, and to assume a more dignified tone.

I am to felicitate myself, that I have the honour to address myself to your Lordships, sitting at length in the seats of your ancestors, in the plenitude of your privileges; I am to congratulate your Lordships upon the independence of our Parliament, I am to congratulate you upon the LIBERALITY OF TOLERATION, EXTENDED TO OUR CATHOLIC FELLOW SUBJECTS; not but that I wish to see it EXTENDED FURTHER, and to see them put upon AN EQUAL FOOTING WITH OTHER SUBJECTS; in a word I wish to lay no other restraint upon them than what the non-jurors are subjected to, and I wish to see the oaths relaxed, so as to enable them to serve in our armies: What has fighting to do with religion? Why do we debar ourselves of the service of those brave men, which every other country in Europe profits by, but ourselves? Compulsion has failed to make converts; why not employ gen-

tleness and persuasion? Why are not the oaths relaxed, so as to enable them to enter into our learned seminaries, instead of seeking for education in foreign countries?

My Lords, that part of the Viceroy's Speech which mentions the Genevans, leads me to congratulate you upon the liberal asylum offered to these unfortunate emigrants; whether the economy advised, will be attended to here, I cannot tell; but administration in another country, after a fulsome paragraph in the public prints, have given them no assistance from England; for it was held forth there, that Mr. Secretary Fox had ordered a frigate to bring them over from Ostend to Waterford; they arrived at Ostend, but the appointment was not kept. Two of them came over in a ship with me; a considerable number of them took their passage in a vessel hired at Rotterdam, in a tempestuous season. I hope, however, every thing may be propitious to their arrival in this country, notwithstanding the neglect of Administration.

I expected, my Lords, to have heard something said, as was reported, in the Speech of this day, about the annual meeting of the Irish Parliament: I am disappointed in that respect; but I take the liberty of informing your Lordships that I shall seize the first opportunity of laying before your Lordships a declaration of the rights of the subject; the principal object of which shall be the annual meeting of the Irish Parliament. I should not presume to volunteer upon a subject of such importance, if the plan was not traced upon your journals, by the memorable example of your Lordships ancestors at the revolution.

And now, my Lords, I shall come to the subject before you: I do not think, my Lords, the Address sufficiently expressive of gratitude to his Majesty, and to the late ministers; and therefore I have the honour of presenting the following amendment to your Lordships consideration.

" And we beg leave to repeat our grateful and warmest acknowledgments for the blessings of peace, procured to us through your Majesty's paternal goodness, aided by the wise councils and great abilities of your Majesty's ministers; a peace which we must consider, upon the maturest deliberation, to be the best that the relative or comparative state of the empire would admit of, and in which no more

has been conceded, than what was indispensably necessary to render it advantageous to your Majesty, and to your people."

I enter into the subject the more willingly, because strange misrepresentations have gone forth, that we were not included in the British treaties, under the general designation of British subjects, in consequence of the independence of our legislature; the very reverse of which proposition is the truth, as your Lordships well know, who have heard the Portugal treaty investigated.

Upon a subject of this kind, I fear I shall be tedious; but as I happened to be in France at a critical period, before the late pacification, and as chance and the unmerited politeness I experienced, threw me into the first line of company, and the ordinary habits of my life induced me to mix with all classes and descriptions of men; the observations which naturally flow from me on this occasion, will have the graces of novelty, the charms of truth and authenticity to recommend them to your Lordships consideration.

No country, perhaps, my Lords, ever found itself in such a situation as England was in, previous to the last peace;—at war with our own colonies—with three of the most powerful states in Europe—the whole indeed of Europe either openly or secretly combined against her (for the armed neutrality was a concealed war;) in a word, the old world drawn in by degrees, allied to the new, and conspiring her downfall and humiliation.

The efforts that she made for existence, not for empire, excited admiration, but consumed her vitals, and exhausted her interior strength and remaining resources.

The annals of modern times may be ransacked in vain for a parallel situation; the league of Cambray, the union of Spain, France, the Pope and the Emperor against the Venetians, may bear the nearest resemblance; but Venice was at peace with herself, and had no colonies to contend with. Her wisdom enabled her to detach a part of the combination, and sow dissension among the allies, instead of encreasing her foes, like the English minister, with regard to Holland, by new and unnecessary provocations.

The Venetians, your Lordships know, never recovered their former splendor. Whether wisdom may yet heal the wounds which folly has inflicted—whether England may recover her former situation, is in the womb of time, but this may be prophesied, without much forecast, that such will not be the lot of the present Administration—the rust will not cure the wound which the spear has inflicted; the declining days of the minister will not rectify the mischief of the meridian of his life.

The coalition has deprived those of credit and opinion, who once possessed it, but cannot give it to those who have so long forfeited the public estimation.

While reconciliation with America is the great truth pronounced by the greatest commercial body in England—by the city of London in their Address to the Throne—as the only means left to save their country from destruction; what must the judicious think of the promoter of the American war, restored to power by his quondam opponents?

Nothing, I am sure, of his former conduct denotes his conciliating powers; if the British armies patrolled the continent of America, like David Simple, looking for friends, and if with more good fortune than his, they found some, I should think it has been clearly proved that they did not leave any behind them.

But, my Lords, be that as it may, such was the deplorable situation of the British empire, when the abilities of the late Administration procured us the blessings of a necessary and adequate peace, and rescued it from destruction.

When so great a part of the British empire has been chopped off, it will be difficult to consider any peace that has been attended with such circumstances, as meritorious. But, my Lords, it deserves attention, and it is a truth that cannot be too much insisted upon; American independence was a measure that took place in the estimation of the judicious at home and abroad long before the avowed interference of France and Spain. As to American independence, therefore, which was effected by American resistance alone, the acknowledgment of it was all the mini-

sters conceded, and ought not to influence the merits of the peace now under your Lordships consideration.

My Lords, I know it from the best authority, that the American Ambassadors had been a year in France, without being received in a public character; but that, the very morning after the news of General Burgoyne's defeat had arrived at Paris, they were sent for, and had their private audience of the Secretary of State, when the treaty of alliance was immediately set on foot, as with an independent state; and your Lordships may remember, that one of the most intelligent upon American affairs (the author of the administration of the colonies) pronounced, in the House of Commons in England, that America never would again return under the dominion of Great Britain; that he wished them to turn their eyes from their ideal to their real situation, and not be amused with false suggestions and designed misrepresentations; so that I am founded in opinion, in saying that American independence was considered by the judicious, at home and abroad, as existing long before the interference of France and Spain.

Upon such a subject, my Lords, as this, there is much room for amplification. What effects American independence will have, may be a subject of much disquisition. I cannot help observing here that an idea prevails, that it is in contemplation to open the trade of the whole world by general convention, and to destroy local restrictions and monopolies. How far it is practicable—how far it is compatible with port duties—whether excises would not answer the end better—whether it might not be greatly for the advantage of Great Britain, and the only means of regaining the trade of America—and whether England would not be the foremost competitor for her commerce; all those are subjects of too deep and weighty disquisition for a plain man, like me, to enter into. An excellent writer on the wealth of nations, is, your Lordships know, passionately fond of the idea; on the other side of the question, an amiable friend of mine in another country, a member of this house and one of your Lordships, (Lord Sheffield) has distinguished himself much upon this subject, in an able performance: all that I know about it is, that from the lights I have, I cannot help inclining to the opi-

nion, that it would be the happiest event that could happen for Great Britain; and that I am informed that such a proposition was made from the ambassadors, to the late ministers, to establish a compleat correspondence and perfect reciprocity of commercial advantages between the two countries.

I have said thus much, to establish a truth, my Lords, that American independence existed of itself, without the intervention of foreign powers; that their interference flowed from it, but that it was not derived from them.

I cannot, however, conclude this head, without one more observation, which I make no doubt you will do me the honour to agree with, upon a contrast of the respective merit and ability of the late and present minister. American independence was to be conceded; the latter, upon the late rupture in the cabinet, proposed to grant it, without any stipulation whatever in parliament; the other proposed, and carried it into execution, to make it the condition and ground work of the general pacification. When the truce of Flanders took place between Spain and Holland, in the year 1609, whatever blunders Spain had committed in a war of 40 years continuance, they were not so absurd as to concede independence, without any stipulation, but made it the preliminary and basis of the treaty: that wise measure was destined for those who govern the state by the die, and rule it by hazard.

Endeavours have been used to make the late minister contradict himself, and falsify his assertions, that he never would consent to American independence; but those assertions must ever be considered *SUB MODO*; no man can ever answer for the necessity of future events: the statesman, like the pilot, must regulate his conduct by the *PRESENT* tempest, and actual situation of the state.

Upon the head of general freedom of trade, I have only one fact to mention, which had elapsed my memory; that the American plenipotentiaries made this proposition to England in the largest sense; to be more explicit, it was actually reduced into articles, to be inserted in the preliminary treaty with America, that there should be an entire reciprocity of commercial advantages—British mariners and ships to be considered as American, and American

as British, their respective ports mutually open, with an equalization of duties and imports. Whether the then Administration thought they could not do it, without the consent of Parliament, or from what motive I know not, these articles were left out of the treaty; but the preface to the treaty remained the same, which inferred such a subsequent regulation; this was the reciprocity of advantage intended by the minister. This apparent inconsequence and visible defect in the treaty, gave occasion to a noble lord, now high in office, to exclaim on the head of reciprocity, and ask where the reciprocity was, which conceded all to America, and reserved nothing to Great Britain.

It demands many apologies, my Lords, for touching upon a point of such magnitude; but the duty I owe to my country, induces me, however, to mention any leading fact, that may be useful; it certainly will be insisted upon by the greatest power in Europe, to open trade, and destroy local restrictions and monopolies: the tendency of men's minds on the continent lead that way, and the opinion of some of the ablest men in Great Britain:—I profess myself unequal to such a discussion; I know how bounded I am upon these subjects: but you have among you, a man of the broadest and most enlarged ideas, and the deepest information, (Mr H. Flood) one, in particular, every way qualified to inform the public mind and inculcate truths to an admiring nation; if this be a fact, if such a regulation be in contemplation, this is, at present, in a commercial view, a new country, which may be established upon the surest and most rational foundation; commerce may be freed of her shackles, customs, and port duties; and other modes of taxation adopted, as lucrative to the crown, and still more salutary and beneficial to the people.

I feel how many apologies I owe to your Lordships for thus trespassing upon your patience. The fore-knowledge of such a design must be allowed to be of the last importance to this country; it is not a romantic nor chimerical idea, but a great truth which daily aggrandizes itself upon the minds of men; but it is time for me to proceed to the merits of the question, detached from American independence, and the better to prove and make what I have

to say indent with the proposition before you, that it was the best peace that our relative situation could rationally expect.

The cession of Tobago, and the relinquishment of the treaty about Dunkirk, was all that was given to France in lieu of the islands that were restored to us, and the balance in our favour here must be acknowledged to be in tenfold proportion; the smallest of our West-India islands, and a chimerical jealousy of a bad port, balanced the account on our side. With regard to the latter, I can only say, my Lords, from my own experience, that having spent a week there, in the year 1773, and having a free opportunity of gratifying my curiosity and enquiries through the friendship of one of the British commissaries; it struck me at that time, that it was incapable, with all the assistance of art, to receive a thirty gun ship, from the bar of sand at the mouth of the harbour, and that the French had encouraged our jealousies, that it might be an object insisted upon by England, instead of a more valuable equivalent.

The next head I wish to touch upon, is that of the Newfoundland Fisheries; but as I have not sufficient lights upon this subject, I shall content myself with observing, that this seems to be the most satisfactory part of the treaty to the intelligent; that our limits are better defined than at any other period, and it seems to be a stroke of the most enlightened policy, to blend our interests with those of America, by giving her a share of an inexhaustible mine, and gratifying her more than any other nation could do, without any detriment to ourselves.

I cannot help observing here, that the declaration of Great Britain, at the end of the definitive treaty, has produced a counter declaration, with regard to the fisheries, from France, and that the matters do not appear to be so amicably settled as could be wished. The Dutch ministers mention this fact in their letters to the states, which have appeared in the public prints, and the prodigious fall of the funds either indicates a fear of another rupture, or shews a want of public confidence in the present Administration.

My Lords, it has been said, that the minister had intended to negotiate an exchange of Gibraltar for Porto

Rico, which, if it had taken place, must appear to the disinterested and dispassionate to have been a most desirable event, besides doing away a constant bone of contention, between us and Spain, with whom we should, naturally and commercially, be ever united, it would be an acquisition of one million and an half annually: for the expence of keeping up the garrison and fortifications, must amount to 500,000*l.* yearly, and Porto Rico has been considered by the Abbe Raynal, as the most valuable island in the West-Indies. Supposing it only improved to half the value of Jamaica, its product to Great Britain must be one million annually; which would make a clear gain of one million and an half annually, Pity, if these were his intentions, that he suffered his own good sense to be over ruled by cabal and faction!

But be that as it may, my Lords, surely nothing could be wiser than the cession of the two Floridas to Spain: for it has been by some of the ablest politicians said, that if America becomes an enterprising country, as she shortly must be, the West-India islands must be her first object: the placing of the Floridas as a barrier between them and America, must be deemed an act of the deepest wisdom and consummate policy.

Much, my Lords, has been said upon contracting the boundaries of Canada in favour of America; but I recollect perfectly well, when I was a candidate to represent a great city in the parliament of another country, and when the repeal of the Quebec Bill was enjoined by the electors who espoused the cause of a noble Lord and myself, as a matter to be endeavoured in parliament, it struck me then, that the boundaries of Canada had been considerably extended beyond the limits prescribed by his Majesty's proclamation in 1763, and upon tracing them on the map since, it appears that they have been enlarged beyond the boundaries assigned by his Majesty's proclamation: and America has regained what was retrenched from her by that unpopular act—the Quebec Bill.

If it could be proved, my Lords, that ministry had not done their utmost to serve the loyalists, I should be among the foremost to condemn them. But, my Lords, by the articles of confederation, published by Congress,

which form the basis of American policy, the power of raising money is expressly reserved to the legislature of each state, respectively. The Congress could not restore what was deemed by them an object of supply for the necessities of the state. To negotiate with thirteen different colonies must be deemed impracticable; consequently, the recommendation of Congress was all that could be obtained, which will, it is reasonable to suppose from some late occurrences, be efficacious, at least in part.

The comparison that has been made, of England's giving up the rights of the Catalonians, at the peace of Utrecht, does not hold here; because nothing was done, nothing stipulated for them: whereas, for the loyalists every thing was done that the nature of the case would admit of.

I shall not advert here, my Lords, to the want of money for the payment of the troops, and the mutiny of those regiments that were destined for the East-Indies, and of the crews of several ships at the conclusion of the war; I shall confine myself to a few facts, upon our own relative strength in the East and West-Indies at that period.

The armament, that was destined against Jamaica, under the command of Compte d'Estaing, I have heard, when I was abroad, (from the most respectable authority, that would carry the greatest decision if I could name it) consisted of 51 ships at Cadiz, to be joined by 11, under the Marquis de Vaudreuil, at Martinico, and 10 ships under Solano at the Havannah: 15,000 men were destined to be embarked on board, to be joined by a depot of 6,000 French and Spanish troops, at Saint Domingo, and 4,000 more under the command of the Marquis de Bouille at Martinico; in all 25,000 men.

This was to be opposed by 53 ships of the line, under Admiral Pigot and Lord Hood, and the ordinary garrisons and the militia, in the West-India islands.

All that could be hoped, at this period, was not to lose Jamaica, and to remain upon the defensive, if the war continued, at the enormous expence of fourteen millions annually;—an expence, which, if the most chimerical hopes had been fulfilled, if the most valuable of the

French possessions had fallen into our hands, could not in any wise be recompenced or indemnified.

In the East-Indies, matters had nearly hitherto been balanced; but it is a certain fact, that, by the junction of the Dutch with the ablest of the French commanders, M. de Suffrein, they would have had a superiority of 4 ships of the line; that is to say, 22 sail of the line, under Suffrein, to 18, under the Admirals Hughes and Bickerton: 5,000 men under M. de Buffy, to be reinforced by 3,000 from the isle of Bourbon, joined by the inhabitants of the country.

Thus circumstanced, the war was to be carried on by supplies from England, the resources of the country being drained by continual rapine and extortion, at an enormous expence. Thus circumstanced, what could be supposed, but that the same game would have been played in the east that had been exhibited in the western part of the world?—that the sun rising should behold our shame, and setting should hide itself from our folly and absurdity in the western hemisphere!

It appears, my Lords, lastly, upon a consideration of the whole force of the combination of France, Spain, and Holland, that our naval strength was outnumbered by 30 ships of the line.

My Lords, nations may plume themselves upon naval skill and superiority; but it is a certain fact that history records this great truth in our annals, and your Lordships may gratify your curiosity in the Lives of the Admirals, that from the battle of Beachy-head, where Lord Torrington was outnumbered by ten ships of the line, and worsted by M. de Tourville, soon after the revolution, to the present time, we have never gained a decisive advantage at sea, unless where we had a superior number of ships; the nearest to it was the affair at the river Villaine, (to which Ireland owes so much) between Lord Hawke and the Marechal de Conflans; but there Lord Hawke had a superiority of one. I could cite other examples to your Lordships, such as the affair of Sir Hyde Parker, and of the 27th of July, where equal numbers produced only drawn battles, but that I am restrained by the presence of a noble friend of mine, from entering upon a

subject where my information is so scanty—a noble Lord who has quitted the lap of ease and affluence for the service of his country, and who, I think ought to have the thanks of the assembly he belongs to, for his conduct in the late war: as I am sure he possesses the approbation of his profession, and the gratitude of his country.

But, leaving it to the intelligent to reason upon the fact, the inference to be drawn from it is clear, that, with such a superiority against us, it was impossible to enterprize; not to lose, was a bare hope; but to gain, was an extravagant and absurd idea.

Upon the enormous expence of the war, and our relative ability, I shall say a conclusive word, and relieve your Lordships from the trouble of listening to me.

What has been, my Lords, considered as a chimera by most men, I mean, raising the supplies for a war, within the year, has been realized by America. The debt contracted by Congress, was by a sum of paper money, which has been gradually depreciated till it became worth nothing; it is true, that Congress bought up this paper at less than half the value, and it has been said by some that this paper will be exchanged for specie, or converted into a debt, for which interest will be paid. But I believe, from the most respectable authority, that it never will be made good; and that the American internal debt will be liquidated by the entire annihilation of the paper money emitted in the course of the war.

A debt of about three millions has, however, been contracted to France, which is an exception to the assertion, that the idea of borrowing and funding has not taken place in the new world; but, in the old world, the ancient system still taking place, it remains to take a view of our relative abilities, to consider who were likely to have the longest purse, and find the greatest resources.

My Lords, before the American war, the national debt amounted to one hundred millions; but at the present period, it amounts to upwards of two hundred and thirty-three millions, funded and unfunded; and ere this, may be estimated at two hundred and forty-three millions; every one knows that personal property has decreased one

third, the stock being at 89 before the battle of Lexington, which are now at 60, and lands also have fallen from 33 to 23 years purchase.

The French debt amounts to nearly two hundred millions; thirty-five only of which have been borrowed in the present war; so that we have exceeded their debt contracted this war by near one hundred millions, and instead of owing less than they did, by almost one half at the commencement of the present war, we exceed the whole of their debt by almost a fifth; and lands are still in France, I am well informed, at three per cent. or 30 years purchase, as before the war; the truth is, they encreased their debt only 15 millions, properly speaking; because, by a wise and timely reform, they gained a million annually—the interest of twenty millions, at five per cent.

For, while one of the myrmidons of the present Administration was dreaming of a reformation, by putting his Majesty to an allowance, and creating an ordinary for his Sovereign; though the royal cooks were deprived of selling the kitchen greafe from the royal kitchen; yet, notwithstanding all, it is acknowledged that only 50,000*l.* has been gained by this reformation to the public.

While this was going on in England, Mr. Neckar, by his wise and judicious reform, particularly in the military, gained upwards of a million sterling for his country.

Upon the whole, it must be acknowledged, that their resources were greater than ours, and that if the largest purse was to carry it, the advantage would have been on their side—and this considered only with reference to France, without taking into consideration the abilities of the other belligerent powers.

Who is there, my Lords, that under such circumstances, will not say that peace was necessary to the salvation of the empire? Who is there that can now assert, that the present peace was inadequate to our situation?

Grieved, my Lords, as the late great man of those countries would have been, had he been alive to see an empire, raised by his abilities, so humanated under the government of his puny successors; yet he would in all probability

have exerted his eloquence, to silence the clamour and faction, against what was necessary for the existence of the community.

Such was the conduct of a great antient—of Hannibal; such was the trait reported of him in the precious fragments of Polybius, after the battle of Zemma: when the terms of peace were about to be objected to by a senator, he pulled him down to his seat, and could not suffer him to go on; apologizing for the conduct of a soldier unacquainted with senatorial decorum, but declaring, that, notwithstanding his thirst for fame, and passion for war, he could not suffer a peace to be reprobated, which, however bad the terms were, yet considering their relative situation, was necessary to the being and existence to the common-wealth. My Lords, I am now at an end; you have before you the clearest facts and demonstration of the necessity of this happy event. Men and measures however are nearly connected; I shall beg leave to say a concluding word upon the situation of parties in another country.

I do not stand up, my Lords, as the professed advocate for any set of men, either in or out of power, they have better and abler advocates than I am, if advocates were wanting with truth and justice on their side.

I admire, it is true, the great abilities and incorrupt integrity of the late minister: I never heard any thing against him, that does not deserve to be treated with contempt and ridicule. The designation of him, by one of the most profligate ministers that England ever saw, is to be considered like Scrub's character of the stranger, in the *Beaux Stratagem*; "some say one thing, and some say another, but for my part I believe he is a Jesuit." Every unprejudiced man now thinks, that the peace which he made has saved the empire from destruction. It is from that description of men, the crown will receive dignity, and the people in both countries content and gratification of their reasonable desires; but let us now turn our eyes to the motley crew who have succeeded him.

After an opposition of fifteen years, to the minister who carried on the American war—after he had been declared impeachable by his quondam opponents—he is restored to power by their aid union. Either his measures were right,

or they were wrong ; if right, why oppose, why clog the wheels of government, why obstruct them ? if wrong and impeachable, why join and unite in bringing him into power ? either way, his opponents are culpable and unjustifiable.

Mutual deposit, mutual surrender of character, and reciprocity of dishonour was the broad base upon which was raised the superstructure of the coalition.

Hard indeed must be the situation of that sovereign, harder than that of the meanest householder of this kingdom, to have servants forced and introduced upon him, without principle and without character. I admit, my Lords, that some of them have had their dose of popularity. I am surprized at it ; strange policy, strange infatuation, in a wise and enlightened people ! The same principle which leads them to trust their constitutions to quacks or mountebanks, instead of regular bred physicians, induces them to give their credit and confidence to state tinkers and cobblers of the constitution, gamblers, adventurers, mountebanks, merry-andrews and **MEN OF THE PEOPLE**. I have too high an opinion of the good sense of the people of England to suppose that **THEIR** reign will be of long duration.

One word more, my Lords, and I have done. Can there be a doubt of the advantages of peace to Ireland ; can there be a doubt in the breasts of your Lordships, or of any man who hears me, that the advantages of a Free Trade, of which you only had a foretaste and an earnest before, are now opened to you with a liberal and unsparing hand ?

Can there be a doubt, that you owe this to the liberality of your Sovereign, aided by the wise councils of his **LATE** ministers ?

A new scene presents itself to my eyes ; not that I am sensible of it by any outward alteration in myself, no blue ribbon decorates me, no star shines upon this breast to dazzle the vulgar, or add exterior grace to the person of a plain and humble man.

Unornamented myself, I address myself to you, my Lords, ornamented by his favour, decorated by his attention, honoured by the choice of the late minister ; for, ornament

conferred with propriety and due selection is honour. I conjure you by your regard to your country; I solicit you by the truth evident to your eyes, to have more regard to that than to the voice of a cabal and a faction tyrannizing and lording it at once over king and over people.

I call upon you by claims of gratitude—by that debt of honour which you owe to the late ministers, that they should not fall in your recollection, as they have done in your service.

The Duke of *Leinster* replied, he thought it better to shew our approbation at large, and not to go into particulars, for which there was no ground then before the House, and therefore could not agree to any amendment that implied a censure on any, where it was impossible the House could judge of the matter; he declared, he was sure his Majesty intended to grant every reasonable wish of his loyal subjects of Ireland, and that all our advantages flowed from his royal breast.

Lords *Farnham*, *Bellamont* and *Carysfort*, opposed the amendment on much the same ground, and as not being strictly parliamentary, as no authentic information or document was before the House on the subject of the amendment, and therefore their censure or praise would be equally indifferent.

Lord *Mountmorres* replied as to the point of propriety. He said the House of Commons here, on the peace of 1763, debated thereon, and a motion was made, expressive of their disapprobation.

The question being put on the amendment, it was negatived without a division.

The motion for the Address was then carried unanimously, and a committee appointed, with the Duke, to draw up the same, and report to-morrow.

Lord *Mornington* adverted to that part of the Lord Lieutenant's speech where he mentioned œconomy. He observed, that in the other part, where he recommended the supplies for the honourable support of his Majesty's Government, there was a total omission of œconomy, and the expressions were guarded, but he hoped œconomy would be the measure pursued.

Lord *Carysfort* moved for an Address of Thanks to the Lord Lieutenant, for his Speech from the Throne.

Ordered, that a Committee be appointed to draw up the same.

Lord *Mountmorres* declared his intentions of bringing on a motion for the annual meeting of Parliament.

Lord *Mornington* also declared his intention to move for an Address of Thanks to Lord Temple, our late Lord Lieutenant, which he would defer, as it was then late, as he should be sorry it would pass in silence.

The Duke of *Leinster* moved, that it be

Resolved, by the Lords Spiritual and Temporal in Parliament assembled, That the Thanks of this House be given to the Volunteer Corps of this Kingdom, for their readiness to support the civil magistrates in the execution of the laws, and for their spirited exertions in defence of this country.

Ordered, That the said resolution be sent by the clerk of the parliament to the several sheriffs of the different counties and cities of this kingdom, to be by them communicated to the several Volunteer Corps in their respective counties and cities.

Adjourned.

WEDNESDAY, OCTOBER 15, 1783.

Lord *Ranelagh* moved the several usual orders of the House on the opening of a new Parliament.

The Lord Chancellor reported his having received a letter from Lord Rodney, expressive of his own and the gratitude of his officers and men, in return for the honour done them by the Thanks of the House, for the important victory of the 12th of April, 1782, which was read by the clerk.

The Duke of *Leinster* reported the following Address to his Majesty, which was agreed to unanimously, and ordered to the Lord Lieutenant, to be transmitted.

To the KING's Most Excellent Majesty,
The humble ADDRESS of the LORDS SPIRITUAL
and TEMPORAL, in Parliament assembled.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to return our most humble thanks to your Majesty for those gracious expressions we have received from the Throne, of that tender concern and paternal regard for the happiness of this kingdom, which we have ever so happily experienced.

Impressed at all times with the deepest sense of your Majesty's goodness we most thankfully acknowledge, as a fresh instance of it, the placing us under the government of a nobleman, whose amiable character, whose integrity and abilities, afford every prospect of national prosperity to the country over which he is to preside.

The unequivocal proofs we have received from Great-Britain of her sacred regard for the adjustment of our constitution and commerce, made and established in the last Parliament, not only afford us the fullest security of our constitution and commercial rights, but must excite in us the warmest affection towards our sister country, and strengthen that union of sentiment, as well as of interest, between the two kingdoms, upon which the power and happiness of both so materially depend.

To contribute to give permanency to that union, we beg leave humbly to assure your Majesty, it will ever be the first wish of our hearts, as it will be the first object of our endeavours.

We beseech your Majesty to accept our warmest congratulations at the success which has attended your Majesty's anxious exertions to restore the blessing of peace to your faithful people, which must naturally give spirit and effect to our commercial pursuits. And whilst it will ena-

ble both kingdoms to deliberate on the surest means of increasing our common prosperity, we shall give every attention in our power to promote such measures as shall effectually secure to us the solid benefits that must arise from reciprocal affection.

The happy increase of your Majesty's royal family, by the birth of a princess, has afforded us all that heart-felt satisfaction, which we can never fail to experience upon every increase to your Majesty's domestic happiness.

Conscious of the wisdom of those measures advised by the Privy Council, which, through the mercy of Divine Providence, have averted from the people the miseries of impending famine, we shall gratefully concur in a parliamentary sanction of the means pursued by Government to prevent so dreadful a calamity.

We shall also most cheerfully concur in regulating the judicature of the court of admiralty, as well as forming an establishment for the post-office.

The improvement of our linen manufacture must ever be a principal object of our regard.

We are too fully convinced of the extreme importance of the fishery on our coasts, both to our national wealth and industry, not to bestow upon it every attention on our part, which may best encourage so valuable a branch of our commerce, and best prevent those frauds and impositions, which are so fatal to every infant undertaking.

We shall likewise consider the Protestant charter schools, from the humanity as well as wisdom of the institution, highly deserving of our care.

We conceive the liberal intentions of Government to provide an asylum to the industrious and distressed Genevans, demand both our acknowledgements and warmest concurrence in every measure that may promote the settlement in this kingdom of so useful a body of men. But whilst we shall endeavour to procure every advantage to our country from that settlement, we are likewise bound to prevent as far as possible every unnecessary expence with which the measure might be attended.

We trust that the present Parliament will be distinguished in the annals of their country for their wisdom, temper and moderation, and for the efficacy of their regulations,

to increase the industry, encourage the manufactures, and extend the commerce of this kingdom.

Whilst we shall endeavour to promote such valuable and important objects to ourselves, we shall most cordially consider the interests of Great-Britain as immediately connected with our own; and ever having experienced the paternal beneficence of our most gracious Sovereign, we beseech your Majesty to accept the tribute of hearts deeply impressed with gratitude in earnestly imploring the Divine Goodness long to continue your Majesty's auspicious reign over a loyal, happy, and united people.

W. WATTS GAYER, } Cler. Parliament.
EDW. GAYER, }

His Excellency the LORD LIEUTENANT'S ANSWER.

I WILL take the earliest opportunity of transmitting this dutiful and loyal Address to be laid before his Majesty.

Lord Carysfort reported the Address to the Lord Lieutenant, which was in the following words:

To his Excellency ROBERT Earl of NORTHINGTON,
Lord Lieutenant General and General Governor of
Ireland.

The humble ADDRESS of the LORDS SPIRITUAL
and TEMPORAL, in Parliament assembled.

May it please your Excellency,

WE, the Lords Spiritual and Temporal in Parliament assembled, present to your Excellency our warmest Thanks for your most excellent Speech from the Throne.

We beg leave to congratulate your Excellency and ourselves upon your appointment to the government of this kingdom, at a period peculiarly auspicious to Ireland.

In the fullest reliance upon your Excellency's wisdom, justice, and integrity, we anticipate the advantages this kingdom must derive from your Excellency's administration, and consider your Excellency's appointment to preside in it

as a fresh instance of his Majesty's paternal regard for the happiness of his faithful people.

We are highly grateful for the warmth with which your Excellency signifies your satisfaction at meeting us in the full possession and enjoyment of those constitutional and commercial rights which were so firmly established in the last parliament.

We trust that the unequivocal proofs given by Great Britain of her sacred regard to the adjustment then made with Ireland, cannot fail to cement the union, and strengthen the mutual confidence between the two kingdoms, the true interests of which are and must ever be inseparable.

We beg leave to share with your Excellency in the satisfaction you express, at the success of his Majesty's endeavours to restore the blessings of peace to his faithful people.

We shall, in pursuance of your Excellency's wise and seasonable advice, shew our readiness to deliberate upon the measures pointed out by your Excellency, as well for regulating the judicature of the court of admiralty, and the new establishment of the post-office, as for promoting our commercial pursuits, and reaping the advantages to be derived from the restoration of public tranquility. Permit us to add, that the recommendation of those measures by your Excellency, affords the most convincing evidence of your respect for the rights, and your capacity to discern, and desire to promote the interests of Ireland.

The measures pursued by government by the advice of the privy council, to avert the miseries of impending famine, if not strictly conformable to law, will appear, we doubt not, to have been urged by necessity, and so essential to the public good as to merit parliamentary indemnification.

We enjoy the highest pleasure in every addition to the domestic happiness of our gracious Sovereign, and particularly in your Excellency's satisfaction at the birth of another princess.

We trust our well known and most sincere loyalty to his Majesty, our confidence in the sincerity and good faith of our sister country, and the ample means we have lately acquired, of becoming a great and commercial people, will

dispose us to carry on our consultations for his Majesty's honour, and the good of our country, with that duty, temper and unanimity, which can alone render them successful, and perpetuate the harmony between the two kingdoms : and with the firmest reliance on your Excellency's pure and disinterested intentions towards us, we shall, to the utmost of our power, support the honour of his Majesty's government, and the ease of your Excellency's administration.

The address was agreed to unanimously, and ordered to be carried up in the usual form.

His Excellency the LORD LIEUTENANT'S ANSWER.

I RETURN your Lordships my sincere thanks for this very honourable testimony of your good opinion, which it shall be my constant endeavour to improve. Be assured, that my inclination as well as my duty will ever interest me deeply in the prosperity and happiness of Ireland.

Lord Mountmorres, after enumerating the many virtues of Lord Temple, and the advantages this nation received by his administration, moved an Address of Thanks to his Lordship.

Lord Bellamont arose—declared he did not rise to second the motion, nor to oppose it ; he went largely into the rise and manner of the appointment of the order of St. Patrick, and of some conversation which passed between him and Lord Temple, and of some neglect of his own services ; that he had told Lord Temple there must be a final and explicit Declaration of the Rights of Ireland ; to which he then seemed averse.—He also went into other national matters.

Lord Morrington spiritedly replied, and Lord Bellamont answered, and declared, he meant nothing personal to his Lordship ; which apology was politely accepted.

The Lord Chancellor also bore honourable testimony of the upright conduct of Lord Temple.

The question being put, it passed unanimously.

Lord *Carysfort* moved for an Address to the Lord Lieutenant, to order the proclamation and order of the Privy Council of the 13th November, 1782, relative to the corn bounties, to be laid before the House.

Ordered accordingly.

Adjourned 'till the 31st of October.

FRIDAY, OCTOBER 31, 1783.

As soon as the prayers were ended,

Lord *Carysfort* moved, that the call of the House be adjourned to Monday.

His Lordship then, pursuant to order, presented a bill for indemnifying the persons who counselled his Excellency the Lord Lieutenant to suspend the laws of the realm, respecting the duties payable on corn and flour imported.

Read a first time, and ordered to be read a second on Friday next.

Lord *Mountmorres* presented, pursuant to order, a bill, entitled an act for the frequent holding and assembling of parliaments in this kingdom.

Read a first time; after which his Lordship moved, that it be read a second time on Friday next.

Lord *Carysfort* said, he expected when the noble Viscount was introducing this bill he would have shewn the necessity of such a measure; whereas, on the contrary, from what had fallen from his Lordship the first day he mentioned this bill, and from the bill itself, the contrary appeared, as an act was actually in force for the same purpose of frequent parliaments; and as to the annual sessions, which the bill seems intended to procure, there is no doubt but Administration will adopt so necessary a measure, without the intervening of a new bill; there was none in Great Britain though the Parliament there met annually, the old law having been thought sufficient. I am persuaded, continued he, that Government intend there shall in future be annual sessions, and if not, Parliament has it in its power to compel it, by limiting the duration of the supplies, which is the most respectful mode of doing it;

if therefore the noble Lord does not withdraw his bill, shall move that the second reading thereof be on the 1st of August next.

The Earl of *Bellamont* agreed that there was a necessity for the measure of annual sessions, but objected to the mode of procuring them, and said, it might be better effected by way of address—a petition to his Majesty, which will be qualifying duty with respect; but a law enforcing it would be highly improper, as it might be necessary to suspend the meeting of Parliament on account of an invasion or an insurrection, or the like.

The *Lord Chancellor* took up the subject, and shewed that as necessity had made the sessions annual in England, the same necessity would operate here, since we had received all our rights and privileges, and that there was no doubt but Government would yield to the necessity.

Before his Lordship entered upon the subject, he asked *Lord Mountmorres* whether it was annual sessions, or annual parliaments that were his object.

Lord Longford, and some other Lords, spoke to the same purpose, when at last

Lord Mountmorres rose.—I felicitate the public—I congratulate my country, said he, upon the great truth which has appeared in the course of this day's debate, That annual sessions of parliament are rendered necessary by the present situation of this country, and that we have a right to them by common and by statute law.

Whatever may be the fate of my bill, the sum and substance of my motion is decided, though the form may be objectionable. It has the merit, however, of a fictitious suit, which has decided a leading case of the greatest moment to this country.

I am perfectly indifferent as to the fate of the bill, provided the object is carried, and shall act conformable to your Lordships wishes and commands with regard to the disposal of it.

The noble Lord upon the woolsack asks me, if any idea of annual parliaments was involved in this measure? I answer, no.—How can any man suppose it? The noble Lord knows that I once told him in private, that from several precedents in *Prynne's* writs, the same members

had been summoned by the King's writs to different parliaments, consequently, that he never was obliged to have different parliaments every year under the antient constitution; and therefore what never existed could not have entered into my contemplation.

The noble Lord has mistaken me in one respect: After mentioning the intermission of parliaments in this country for 26 years in the time of Charles II. I mentioned that we had not parliaments here biennially since the revolution, for that there was an intermission from 1692 to 1695, and from 1698 to 1783.

A noble Friend of mine with great professional dexterity (Lord Longford, who had spoken a few words on the subject) has endeavoured to get the *weather-gage* of me, and to prove that this bill is intended to enact what was law before, but I deny it; it is a declaratory law, renovating that right which was obtained indeed by law, but which had been long forgotten in practice.

A noble Lord who professes himself in the confidence of administration (Lord Carysfort) asked, why has no provision been made before upon this important subject? I can give no reason why, but we must not sleep over an omission of this sort, but be awake to the truth, that though they have many in England, we have not a single item upon our code that regards the frequent assembling of parliaments.

We are told, my Lords, of what will be done elsewhere, upon this subject by limiting the supply to one year. I am not to reason upon speculation of what may happen, but ask, has Government verified their intentions to this country of holding sessions annually? I can speculate upon the subject, that if it does not originate from this House, it will be taken up in another assembly; if not there as a popular measure, it will be agitated with more effect in the *Campus Martius*.

Let Government, my Lords, verify their intentions, and bring it forward, and I am satisfied, but until that is done, I cannot reason upon speculations and uncertainties.

The noble Lord in declaring the intentions of administration, carries much weight with the House, and more with me. I have long known the present Chief Governor, and know him as perfectly unexceptionable; I am sure I

do not know a worthier or more respectable gentleman than the second in the ministerial department. So far I have confidence, but none in that wretched system elsewhere, of which they are a part. I have known some of the coalition long, and acknowledge them to be powerful and independent indeed, so very independent in the literal sense of the word, that they are not to be depended upon.

I am to repeat, my Lords, what I set out with, that provided the sum and substance of the measure is carried, I am indifferent to the bill, and leave it to the disposal of the House, that it may obtain in another more practicable and expedient form.

My noble Friend has acknowledged himself in the confidence of Government; I wish him joy of it; with the noble Lord I have long acted; we have pervaded together the legal subtleties of embargoes, we have traversed the mazes of mutiny-bills, we have unravelled the mysteries of sheriffs appointments in this country.

Will my noble Friend excuse a parting and valedictory word from me, which I hope he will carry with him into the cabinet.

In public as in private life, the best security that can be had is the most desirable. I wish that this measure may be carried by an act of parliament. I wish for a mortgage or a custodiam that may grapple the land and enure to this kingdom for ever. I hope it will not rest upon temporary convenience; upon the assurance of a temporary Secretary to a temporary Viceroy.

I don't wish to have the security of a simple bond upon which judgment neither will nor can be entered.

[His Lordship then withdrew his bill, and promised to bring it in form of an address on Monday; to which the House and the friends of Government agreed.]

Adjourned till Monday.

MONDAY, NOVEMBER 3, 1783.

Lord Mountmorres adverted to what had passed on a former day relative to annual sessions, and moved the following resolution:

Resolved, That it is the opinion of this House, that in the present situation of this country, it will promote the general utility and national welfare, and contribute to amend, strengthen, and preserve the laws, and to give ample and speedy justice to the subjects of this realm, in his Majesty's High Court of Parliament, that a Session of Parliament should be holden every year in this kingdom.

He then declared his intention, if their Lordships should think proper to agree to the resolution, to move an address to his Majesty for that purpose.

Lord *Farnham* thought there was a great difference between the two motions, which as they were connected with each other, must be considered together; but if the last was not insisted on they might very properly come to a resolution on the first, for if they agreed to an address of that nature, and the other House of Parliament should be of a contrary opinion, by granting the supplies as usual, they would find themselves in a disagreeable situation, as they could not possibly receive an answer to the address, before the bill of supply would probably come into this House.

The Archbishop of *Cashel* quoted, with great ability, the *Mirror* and several antient law books, to prove the sole discretion that was lodged in the Crown to convene parliaments as often as it thought expedient; several instances were cited by him of parliament being intermitted for more than one year. He denied the intermission of parliaments for more than one year in England, from the time of the laws of Edward III. that had been complained of, and challenged any one to prove it; he thought the limitation of the supply was the best way of taking the sense of both Houses of Parliament, and after displaying much legal and parliamentary knowledge, he declared against any resolution on this subject.

Lord *Annaly* and Lord *Carysfort* contended that the right of the subject to have frequent meetings of parliament, was sufficiently known and established both by the common and statute law, and as the necessities of the state might require, so there would be frequent meetings of parliament, and as it was agreed and supposed it would be found necessary for parliament to meet annually, there was no ground for

suspicion to the contrary, but the King and Government would convene them yearly; the motion carried distrust and disrespect, and might be looked upon as coercive.

Lord Bellamont, Lord Mornington, Lord Mountgarret, Lord Desart, Lord Carlow, and Lord Carhampton answered, that no measure of disrespect to his Majesty or the Government was meant or intended; it was strictly parliamentary and constitutional, the situation of the country required it; they were the hereditary counsellors of the Crown and Nation, the medium power between the King and People; it was the duty of the House to advise his Majesty on the wants or necessities of the state.

Lord Mountmorres replied upon the expediency of the resolution, the latter end of the day; he said, he would have taken up the gauntlet thrown down by the Right Reverend Prelate, if he had staid in the House, and have proved from an ecclesiastical historian, Bishop Burnet, an instance where parliament had been prorogued for fifteen months, and where a question was proposed and agitated by the Duke of Buckingham; that parliament had been dissolved by it; he said, that he was a convert on the one side, from the doctrine counselling the Crown by law to convene parliaments, on the other hand, by what was stronger, by limited supplies, and by what was the strongest of laws, the law of necessity.

That the mode of compelling the Crown by short laws had lately prevailed in England, through the present ministers, when they took the cabinet by storm; that the shortest law, which in honour of its illustrious author, he should cite with all the dignity of Roman rescript, and call it the *Lex Velpecula*, the FOXIAN LAW, which was a Mutiny-bill for one month, and it had been one of the principal engines to carry their point. He cited the pleasantry of a particular friend of his in England, remarkable for his bon mots and repartees (which we could not distinctly hear) upon the motion for appointing a new minister, and concluded with saying that it was relinquishing their dignity and importance to be silent upon such an occasion;—that their interest had been the favourite summit, and the object of his labours; and that as there was but one resolution now before them, he deprecated a ne-

gative as injurious to Administration, and revolting to every moderate man in the kingdom.

The question was then put on the first resolution, and carried with one dissenting voice only (Lord Annaly).

The second resolution of the address was not put.

Adjourned 'till Wednesday.

WEDNESDAY, NOVEMBER 5, 1783.

This day the Lords met, and adjourned 'till Friday next.

FRIDAY, NOVEMBER 7, 1783.

Lord *Hillsborough* produced his writ of summons, took the usual oaths and his seat in the House.

Lord *Annaly* moved, that the order of the day for the call of the House be postponed to this day se'nnight.—Ordered accordingly.

The order of the day was called and read, for reading the bill of indemnity for such persons as advised or acted under the proclamation of 1782, laying an embargo on the exportation of grain, and also under the proclamation of 1783, for encouraging and allowing the importation of foreign grain into this kingdom, on account of the then scarcity.

Lord *Annaly* thought they were wise and salutary measures of the then Chief Governor.—The bill spoke a language rather hurtful to the just prerogative of the Crown, which in cases of great emergency had a right to lay on an embargo, but if the words in the preamble of the bill were to stand, an idea would go forth that embargoes were not legal; he took that opportunity of declaring his sentiments on the bill, and thought it would be more proper to strike out the exceptionable words in the preamble, which were, after mentioning the proclamations, &c. "although it was not justifiable by law."

Lord *Chancellor* said, it was laid down by great authorities in the law and parliament, that the Crown in cases of necessity may lay on an embargo: In 1766 a like case had happened in Great Britain. There was three acts of Parliament of force in England, of the 12th, 15th, and 22d Charles II. allowing that when corn was at a certain price it should be lawful to export grain notwithstanding any prohibition whatsoever. In 1776, it was therefore necessary to bring in a bill of indemnity, which caused great debates; there had been many instances of the like kind since, but how the law stood in this case in this kingdom was a question; it was true, the title of the bill was a Bill of Indemnity, but he thought the words in the preamble would make it a declaratory law. He then supposed a case of a ship with grain ready for sailing should be stopped by a custom-house officer, and that the owner should shoot him, thinking he had a right; as the words in the act said, the embargo was not justifiable by law; he, therefore, to prevent contention, thought the words in the bill not proper.

Lord *Longford* was of opinion the bill was of great consequence, as it shewed a desire of paying a due regard to the laws, and would have another good effect in destroying the principles and purposes for which embargoes have been often obtained, even by the worst characters, and prevent contractors from plundering the public, as also exclude wanton embargoes for the future; he would be therefore for giving his assent to the bill.

Lord *Farnham* allowed that in cases of emergency the Crown had a power of laying on an embargo, and as their Lordships all seemed to agree in that point, in cases of necessity it either was or was not law, if the acts were here not equal to these in England, yet we have acts here that give a bounty to the exportation of grain, and the necessity can only be judged of by the Crown. If an action should be brought in such a case against an officer of the customs, would the plea of necessity be taken as a legal justification? No, some, probably small, damages would be given; otherwise it would be, by the prerogative of the Crown, putting a proclamation in either cases against an express law.

The *Lord Chancellor* replied, he did not mean to make any distinction between England and Ireland; wished to avoid giving any opinion on the point, therefore wished their Lordships to consider of the matter.—The bill was committed for Wednesday next, and the Lords ordered to be summoned for that day.

Lord *Carhampton* declared his intention of bringing on a motion, on Friday next, for their Lordships consideration, for an increase of the number of judges.

Adjourned 'till Monday.

MONDAY, NOVEMBER 10, 1783.

The Bishop of *Cloyne* presented his writ of summons, took the usual oaths and his seat.

Adjourned 'till Wednesday.

WEDNESDAY, NOVEMBER 12, 1783.

The House in a committee.

The bill for indemnifying such persons as advised his Excellency the Lord Lieutenant to issue a proclamation laying an embargo on exporting grain for a limited time, was read a second time, pursuant to an order of a former day.

Lord *Annaly* said, that the highest compliments were due to the humanity of those persons who had advised the measure. He could not however avoid excepting to that part of the preamble of the bill which state the measure as "not justifiable by law."

He contended that there was nothing illegal in it; that the Crown had a right to such an exertion of its prerogative; that the prerogative of the Crown required as much attention as any of the other branches of the legislature; he therefore moved, that these words be expunged.

The *Lord Chancellor* said, he was a friend to the bill, but he disliked those words. Necessity had justified the measure. The persons who advised it, had done it not in

a hasty manner, but on the best information that could be procured. The Lord Mayor of the city of Dublin had given information, that there was not a fortnight's consumption of corn in the city; and the accounts from the country collectors were of the most alarming nature; large orders every day coming for all kinds of grain, and so anxious was one house in particular to have their orders completed, that they had remitted to a bank in Dublin 5000*l.* to hasten the shipping the sooner. He admitted there were acts of Parliament that granted bounties on the export of grain, which was a kind of parliamentary licence; this act of the Privy Council militated against it; not but there were many cases where the Crown had a right to exercise such a power; for instance, in time of public calamity or war, it could not be denied but the Crown had a right to prevent ammunition or provisions being shipped for the enemy. The persons who now want to be indemnified did advise the measures of November 12th 1782, and of last June, which was granting a bounty for a limited time on the importation of grain; but surely the necessities of the times must operate in their favour. He was therefore for the principle of the bill, but must object to the words in the preamble.

Lord Mountmorres.—I must, my Lords, lose all recollection of the proceedings of this House upon the Address to his Majesty, the first day of this session, before that I can consider the amendment, proposed by the learned Lord, admissible upon the present occasion.

What was your Lordships expression upon the subject, in the Address to the Throne?

“Conscious of the wisdom of those measures advised by the Privy Council, which through the mercy of Divine Providence have averted from the people the miseries of impending famine, we shall gratefully concur in a parliamentary sanction of the means pursued by Government to prevent so dreadful a calamity.”

To give a parliamentary sanction to those who acted for the public good, though against the prescription of law—so it is expressed in the bill as it originally stood—but, if you ought to adopt the amendment, and leave out the words “though not justifiable by law,” it will appear

that you have indemnified those who have acted meritoriously in all views and in all senses, and consequently do not want indemnification.

I say, my Lords, that the amendment will change the very nature of the law. For what is the definition of an act of indemnity? It is a law to save those from prosecutions, which may arise from their acting against law, though for the public good; so that unless these words stand, it will not appear what you indemnify them against; and as the recital will contain nothing but a narrative of their actions for the public good, without mentioning that their conduct was not justifiable by law, the bill will be an act of compliment, of panegyric, of eulogium—term it as your judgment directs, or as your fancy lists, but you cannot call it by the title of an act of indemnity.

I repeat, I must intreat, the idea the recital must contain what it is you indemnify against; otherwise it is a blunder to indemnify against what is mentioned as meritorious; the bill may be entitled like the papal decree—a bill but not an act of Parliament.

Much, my Lords, has been said upon the doctrine of embargoes, which I think not relevant to the present question: the consideration now before your Lordships narrows itself to this ground, Have there not been two acts of Parliament suspended by proclamations from the Privy Council? The noble Lord who preceded me has made this so clear that I shall not beat the ground over again, but take what he said as proved and admitted, and confine what I have to say to this short inquiry, whether there is a power in the Crown to dispense with an act of Parliament?

I do remember well, my Lords, the indemnity bill in 1766. I remember the debate, and though very young at that time, it made a lasting impression upon my mind.

What was the case? Parliament was to meet in 40 days, which notice it seems is necessary by law, but the minister laid on the embargo before it met, and came to Parliament the first day of meeting for an indemnity.

When this matter was argued in the House of Lords, it was attempted by two law Lords to justify a latent power in the Crown to suspend the execution of acts of Parlia-

ment, but Lord Chatham left them behind him, and declared, although prerogative was denied by Mr. Locke "to be power vested in the Crown to act beyond the prescription of law, and sometimes even against it for the public benefit," yet that he came for indemnity to Parliament against an illegal act, not that he considered his act however as incomplete as only commenced and *inchoate*, for that was his word, until it had received the authority and sanction of Parliament.

And I do remember perfectly well, the expression of a great lawyer, who I have been early taught to reverence, I mean Sir William Blackstone, upon that occasion; as far, said that legal antiquarian, as far as my knowledge of the laws of England ascend, I know of no power vested in the Crown to dispense with a positive act of Parliament.

The words "not justifiable by law," are in my Lord Chatham's act of indemnity, and therefore I think as the cases indent, and are perfectly similar in all points, so I think it ought to remain in this.

And now, my Lords, since the general doctrine of embargoes has been unaccountably hawled into this debate, I must say a word upon that subject, and pay a parting compliment to the present Administration.

I do not suppose the learned Lord to have intended it; but if it be the principle of Administration, to justify the doctrine of embargoes, and revive it by a side-wind, I know not whether I shall admire more their folly or their insidiousness. After wounds which this country has received have been so lately healed, what can equal the folly of festering and rankling them anew, by a revival of the memory of embargoes? What could equal the tyranny of the late embargo for four years, unless it was the absurdity of it? It was laid on in 1776. What was the plea for it? England was at war with America. It is a fact mentioned by Doctor Robertson, that although there was no black cattle found in America, yet upon their introduction from Europe, they multiplied so fast that in latter times they were used to slaughter them for their hides.

Apply this circumstance to the Irish embargo; it was imposed under the pretext of preventing the victualling a country where cattle were slaughtered only for their hides.

Mark the sequel ; the embargo was taken off at the end of four years when we were at war with the whole world, but not after lands being sunk four shillings in the pound by that measure, in one province, and the trade had been diverted into another channel, and almost lost to this country.

Lord *Carysfort* supported the bill as it now stood, as did also Lords *Mornington*, *Farnham*, and *Mountgarret*.

Lord *Annaly*, Archbishop of *Cashell*, and the Lord Chancellor, spoke against it.

On a division there appeared

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Adjourned 'till Friday next.

FRIDAY, NOVEMBER 14, 1783.

Read a third time, an engrossed bill for indemnifying all persons who advised or acted under the proclamation and order in council, for laying an embargo on account of the late scarcity of grain, and for allowing the importation of foreign grain.

Lord *Bellamont* spoke in support of the bill ; which passed without a division.

The proper officer presented at the bar, six different public accounts.

Lord *Mountmorres* moved, that the proper officer do lay before this House, a patent by which the office of Clerk or Master of the Rolls was granted to the Right Hon. Richard Rigby, in his late Majesty's reign ; and also a list of all the patents of the officers of Clerk or Master of the Rolls, from the commencement of the reign of Henry VII. to the present time, inclusive, distinguishing which have been granted for life, and which during pleasure.

Ordered accordingly.

The following appeals were this day entered on the records of the House for trial:

George Davis, and Barbara, his wife, appellants; Thomas Oliver, respondent.

Lord Doneraile, appellant; Richard Charters, respondent.

Nicholas Gay, Esq; appellant; Henry Shutcocks, respondent.

Adjourned 'till to-morrow.

SATURDAY, NOVEMBER 15, 1783.

Lords met.

Ordered the bill for indemnifying those persons who had advised laying an embargo on grain, to the Commons.

Adjourned 'till Thursday next.

THURSDAY, NOVEMBER 20, 1783.

Lord *Mountmorres*, after enumerating the inconveniences, and even the hardships incurred by the absence of the Master of the Rolls from this kingdom, moved, That it be a resolution of this House, that the Master of the Rolls should attend his duty in this Kingdom. And that he shall be allowed until the Monday after Easter to comply with the same.

To the necessity of this motion he observed that in England the Master of the Rolls was the immediate means of easing the business of the Chancellor, and by that means the cause of expediting the various suits pending. That it was a hardship one kingdom should enjoy an advantage of this sort, and not the other, where the salary annexed, was bountifully paid.

Lord *Carysfort*.—I shall be against deferring this business to so distant a period; I shall prefer its being brought on, on Tuesday next, the day the noble Viscount first appointed for that purpose.—The sooner it is negatived the better—I should therefore heartily concur that the question on it should be now put, that I might vote against it. At this time it is premature and unnecessary, it moreover makes

invasion on the royal prerogative, Parliament should never interfere but on extraordinary occasions that may require such interposition, *nisi Modus, vindice Dignus*. When the prerogative vested in the Crown is manifestly abused, it will be time for this House to interfere for the good of the community; if precedents of this nature are once established, the man indeed is wise that can tell where they may end. No one advantage can be derived from the measure now before us, the disadvantages that may flow from it are many and alarming.

Lord Mountgarret.—The increase of our trade, and of course the increase of dealings between man and man must also increase law-suits; if, therefore, the business of the courts is likely so to increase as that some think additional judges would be necessary, by what mode of reasoning will it be proved that the Master of the Rolls, who is a judicial officer, is not necessary? In England that officer is as efficient as the Chancellor, by which means the suits that come into the Court of Chancery are much expedited, to the great promotion of justice, and the ease and advantage of the people.

If the attendance of the Master of the Rolls in that kingdom has, by experience, been found to be followed by so good effects, why may not the same cause have the same utility in this country? I have not the honour to know the gentleman who at present fills the office in this kingdom, I cannot, therefore, be supposed to support this measure, as being disagreeable to him. I would act the same part, be the Master of the Rolls who he may, as I think it for the interest of Ireland.

The motion passed in the affirmative.

Adjourned 'till Monday next.

MONDAY, NOVEMBER 24, 1783.

After some matters were settled relative to withdrawing an appeal, the report of the Lords committee was read about the standing orders.

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The Archbishop of *Cassel* objected to part of it, and it was therefore ordered to be taken into consideration on Thursday.

The orders relative to appeals and private bills, were agreed to, and, on Lord *Mountmorres's* motion, ordered to be affixed on the doors of the house, and in the avenues leading to the courts of justice.

Lord *Mountmorres* moved for a committee to enquire into the fees on private bills. In this season, said he, of *professed* retrenchment and *speculative* œconomy, but of *real* expence and *practical* profusion; when this House, from motives of justice, and another Assembly, from motives of patriotism, have added 300,000*l.* to the national charge, for the 6000*l.* to the new Judges, and the 6000*l.* to the Lord Lieutenant and Secretary, making 12,000*l.* is the interest of that sum at 4 per cent.

I beg leave to call the attention of your Lordships to a matter, wherein a considerable saving may be made to the public, with regard to the expence of private bills. In England, my Lords, where the officers have no other emoluments than what arise from private bills, in both Houses of Parliament, the expence of a single private bill amounts to no more than 130*l.* whereas in this country it amounted last session to 370*l.*

I cannot help observing, that I cannot see any reason why the fees upon the private bills should be more than they are in England; why may not the same table of fees be established that obtains in the English Parliament?

And, my Lords, in regard to the fees that have been exacted in the two councils, by the Attorney and Solicitor-General, Clerks of the Hanaper, &c. &c. of another country; I cannot see what reason there can be for continuing those emoluments to them, or allowing any thing more than the usual fees upon the great seal to be paid, when the bill has passed in both kingdoms, since neither the council, nor any other department, by the late modification of Poyning's law, have any more interference in legislative proceedings.

By this enquiry the fees of private bills may be reduced to the standard of private bills in England, and if there be 30 bills in the course of one session, a saving may be made of 5 or 6000*l.* a year to this country.

The motion was agreed to, and the House adjourned 'till Wednesday next.

WEDNESDAY, NOVEMBER 26, 1783.

The three great money-bills, sent up by the Commons, were read a first time, and ordered to be read a second time to-morrow.

Lord *Mountmorres* said he had something of great importance to lay before the House relative to those bills; they ought to be considered separately, and not in the manner they are now sent. The mode in other kingdoms was, whenever any matter was introduced in a bill, which was foreign to the purpose and design thereof, a notice was given officially by Government, or by message of communication from one house to the other, by which means the subject was generally debated the same day in both houses. He had heard there was something tacked to some of those bills, which was unparliamentary and contrary to a standing order of the House, which he desired might be read. The matter tacked to those bills was of moment, not matter of œconomy, but an alarming increase of expence to the nation; and therefore hoped the House would give their utmost attention, and the most minute investigation to those bills.

Lord *Farnham* said, if it was true that the matter was introduced into these bills, which was reported, it deserved every attention and consideration of the House.

Lord *Mornington* said he understood there were large and expensive grants, inadequate to the circumstances of the country; great sums given rather for the ease and indolence of great cotton manufacturers, than the encouragement thereof. An increase of the salary of the Lord Lieutenant, and 2000*l.* a year for his Secretary, with other alarming increase of expence. He did not mention this,

or rise merely with an intention to oppose Government, but he wanted to know what was the æconomical plan of Government, or whether they had any such; if they run into extraordinary expences, he would if he should have the misfortune even of standing alone, oppose every expensive measure.

The standing order was read, purporting that whenever a bill was brought into that House, wherein was introduced by taking or containing new and contrary matter, to the avowed purpose or intention of the bill, that the same was unparliamentary, and prejudicial to the interest of the country.

Adjourned.

MONDAY, DECEMBER 1, 1783.

A message from the Commons by Mr. Conolly and several other members, was received, desiring the concurrence of the Lords to the following resolution :

“ Resolved, by the Lords and Commons in Parliament assembled, that an humble Address be presented to his Majesty, to declare the perfect satisfaction which we feel in the many blessings we enjoy under his Majesty's most auspicious Government, and our present happy Constitution; and to acquaint his Majesty, that at this time we think it peculiarly incumbent upon us to express our determined resolution to support the same inviolate, with our lives and fortunes.”

Which message and resolution being communicated to the House by the Lord Chancellor, it was replied, that they would send an answer to the Commons by messengers of their own.

Lord Mountmorres—Though I shall be always for agreeing to every dutiful and loyal Address to his Majesty, on every proper occasion, I cannot agree to the present resolution, as it conveys an alarming idea for which there is no foundation, and therefore hope the House will not hastily agree in a resolution of such consequence, without taking time to give it the most mature deliberation; or at least that they will wait some little time for some noble

Lords, who are expected to appear in the House this day.

He then desired the Address of that House to his Majesty, on the opening of the present session, might be read; which was read accordingly.

Lord *Mornington*.—Perhaps the noble Viscount, with a view of postponing the matter, shall desire us to wait for this or that noble Lord, and the opinion of this or that great Prelate, who are now, perhaps, with other great men, delivering their doctrines and sentiments in another place.

Lord *Mountmorres*.—Wherever they are, I am sure they will do every thing they can for the good of their country, which is their only wish. He then desired the resolution of the House, returning thanks to the Volunteers, might be read; which was read accordingly.

Lord *Aldborough* in giving his reasons against agreeing to the resolution, was called to order by Lord *Hillsborough*. Lord *Aldborough* insisting he was in order, a short conversation ensued on the point of order, as to introducing the proceedings in any other place, in the debates of that House. Lord *Aldborough* proceeded.—The resolution for your concurrence, is only to lay a foundation for fears. Have the Volunteers acted in any manner hostile or improper to the peace of the kingdom? Can they be considered inimical to the Kingdom or Constitution? No, I appeal to your journals for their justification. Why then this ridiculous idea of danger in a time of profound peace; I speak as an independent man, for the good of my country. I am no partizan. I am agreeing to every measure that will prove my loyalty and affection to my King and Country, and my attachment to the Constitution. But if any errors have crept into it, I am for correcting them, and doing what is the duty of every man and of this House, to secure the rights and freedom of the people, and the liberty of Parliament.

Archbishop of *Cashel*.—I deem it highly proper to agree to this Address, at the present time, particularly as a motion was lately made in the House of Commons for leave to bring in a bill of parliamentary reform; and this reform, a measure which originated from the Volunteers, now

met in grand convention in Dublin; a convention to which they proceeded in military array, under the very eye of Government, assuming to themselves all the forms of a Constitutional Assembly; nay, all the forms of Parliament; but they have gone a step further than even Parliament, for they appointed their proceedings to be published in a certain paper, so that they have got their gazette. A motion was made by the Right Hon. Gentleman for leave to bring in the bill, but being rejected, it was shaped into the sentiments of the Right Hon. Mover, though notoriously known to have originated with the Volunteers.——This is like the case of a proclamation;—it is proposed by the Attorney General, but it is well known not to be his proclamation, but that of the Privy Council.——I am satisfied it is the bill of an armed society, and will you wait till the Volunteers come to the bar, and present the bill on the points of their bayonets. Cromwell was a good representative of the people, as a representative; but when he conceived insidious designs, if the ministers of Charles I. and the Parliament had been as watchful of their privileges as Cromwell was to overturn the Constitution, his power would never have increased in the manner it afterwards did, when the tyrant mocked Parliament, and took the mace from your table. In my apprehension this matter is brought clearly before you; if you do not assert your privileges now, they are gone for ever. This is the time to exert ourselves;—let us unite with one voice. That excellent author, Sir William Petty, says, that our present Constitution is as old as our freedom, *exa perfecta*; shall we suffer it to expire in our hands? The proposed bill implies a censure on Parliament; let us try the merits of the last Parliament. Do you not stand indebted to them for the Free Trade? Do you not stand indebted to them for the Mutiny-bill? Do you not stand indebted to them for the bill for regulating the Passing of Bills? For the repeal of Poynings' Law, the Bill to redress erroneous Judgments, and the Independence of the Judges? Do you not stand indebted to them for the National Bank, which has reduced money to 5 per cent.? And do you not stand indebted to them for the bulwark of liberty, the Habeas Corpus Act? These are the acts of the last Parliament, and can any man say they were corrupt?

They ought to be written in letters of gold over your doors. The resolution shall have my hearty concurrence.

The *Lord Chancellor*.—This resolution was agreed to by the Commons, and they now desire your concurrence. The question originated from the Volunteers; no one can be ignorant of that fact; we cannot shut our eyes, for the public prints announce their proceedings, that they want to make an alteration in our Constitution; we will not have our Constitution changed; and therefore I hope your Lordships will support this resolution.

Duke of *Leinster*.—My attachment to this country, and my situation is so well known, that I need scarcely mention any thing on that head; independent of property, connections, and residence, I feel as warmly for its welfare as any other person whomsoever; but the urgency of the occasion requires the delivery of my opinion on the present question. I shall refer to the Journal of the 18th of Jan. 1780, for the record of your sentiments respecting the interference of any men out of Parliament to alter the Constitution. The question in debate appears to have originated from armed bodies of men, whose conduct, in every other particular, has been in the highest degree noble and patriotic, but that of interfering to alter the Constitution. And painful as it must be to me to differ in opinion with men whom I so highly esteem and respect, my inviolable attachment to that Constitution decides me to support the present resolution.

Earl of *Tyrone*.—I have the highest respect for the Volunteers; I have received the honour of commanding three corps of that body of men in the country I reside in; and I have taken every opportunity of telling them my sentiments, of disclaiming every idea of their interfering in altering the Constitution; when they elected delegates, I declined having any thing to do in that affair. I will therefore exert every effort in supporting the dignity and authority of Parliament, and in preserving the happy Constitution which we have derived from our ancestors.

Lord *Annaly*.—I should consider myself as not acting proper, if I gave a silent vote on this occasion. It has come from an armed body of men; I allow they have been useful in the country, particularly in putting a stop to the houghing of cattle, the burning of houses, and in assisting the

civil magistrate in the execution of the laws, and associating in the time of war to prevent an invasion. I should now mention what has been done since that period; they have continued in arms since the peace, and sit in congress at the Rotunda, and their debates appear in the news-papers; which was never before heard of in any civilized country. I own, when it was proposed to return them the thanks of this House, I opposed it, as I did not think them constitutionally assembled, and Parliament cannot but be supposed to know what every one else knows. I hope that this resolution for an address will pass, as it will testify to his Majesty our firm resolution to support the Constitution with our lives and fortunes, and at the same time tell these armed bodies, that we will not suffer any innovations on the rights and privileges of Parliament. I am afraid that some persons in Great Britain are willing to try the effect of this proposed bill here, and throw the mischief of it upon this country. I shall give my voice for agreeing to the resolution.

Lord *Drogheda*.—The bill originated from the Volunteers, and though I have not the honour of being one of them, I have the highest respect and regard for that body. The occasion of their first embodying was owing to an ill-digested letter sent from Government to the magistrate of Belfast, in answer to a letter from him, for troops to defend that country. The answer was, that it was impossible for Government to comply with their request; that the inhabitants of Belfast must take care of themselves: they, in consequence, armed themselves, and protected the country without any expence to Government, except a few arms sent to each county; the conduct of the Volunteers deserved approbation, and I am satisfied they never would have had any idea of this measure, if some dissatisfied persons had not acquired influence over their conduct.

Lord *Hillsborough*.—I do not know how to express myself with sufficient tenderness with regard to the people whose interest had been the study of Administration to promote, by giving every protection to the trade and manufactures of Ireland. I lament that some persons have attempted to sow dissensions amongst them, but I am happy to find that the number of those persons is few. I have the

greatest respect for the Volunteers, considering the essential services they have rendered to this country, during the war, in protecting the coasts, and assisting the civil magistrate in the execution of the laws. Many persons of great talents are among them, I will give them every degree of praise; but I must depart from them; I will, I must dispute any right they claim with respect to the legislation; for Parliament have sufficient powers to render the Constitution perfectly pure, without the interference of the Volunteers. If you give a negative to this Address, you in effect admit the propriety of the interference of the Volunteers, though the House of Commons rejected such interference; and the Volunteers might then say, we will go down to the House of Commons, with bayonets fixed, and say, the House of Lords are our friends, why are not you so? It is necessary to support the Constitution, in order to avail ourselves of those blessings we now enjoy.

Earl of *Aldborough* said that he had the honour [of being one of the delegates, and he could with certainty declare, that such an idea never existed of intruding on the Constitution, or the privileges of Parliament; the Volunteers would, he doubted not, approve themselves the friends of the Constitution. His Lordship said that what he spoke in this House were his own sentiments; if they corresponded with the sentiments of other assemblies, he was not ashamed of them or of his own,

Lord *Carysfort* said that it was a duty we owed to ourselves, and to our posterity, to defend with our lives and property the Constitution; to agree to this Address was saying nothing more than expressing our just sense of the blessings we enjoy under our present Constitution. It is an Address sent up by the Commons for your concurrence; they have thought it necessary at this time, and I concur in it. As to the Volunteers, I cannot suppose that the Parliament shall ever be influenced in their deliberations, by any body of men whatever. The people have declared their sentiments respecting the Constitution; but I never heard they had the least intention of coercive measures. I cannot think it possible they ever entertained any such idea; they could not do it without departing from the end

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of their institution, which was not to controul, but to support Parliament. The conduct of the Volunteers in asserting the rights of Ireland, deserved what they had received—the thanks of both Houses of Parliament. If any excesses are to be imputed to them, it must be attributed to their love for their country, and a spirit of liberty and virtue, and in such a spirit Government has its best support. By the statute laws, every protestant may have arms, and learn the use of them to defend his Majesty's Government. The Volunteers are a legal and constitutional body in my opinion. But I must say at the same time, that taking arms, and proceeding to acts of violence, unless done in defence of the laws, is illegal.

Lord *Mornington*.—This Address comes from the Commons, and they desire your Lordships to concur in it. The assembly of the Volunteers has sat for near three weeks, with all the forms of Parliament; and will any noble Lord say they have no intention to infringe the privileges of Parliament, and, perhaps, to the total extinction of the laws of the land. Has not both Houses of Parliament been surrounded by armed mobs? and will any man pretend to say, it is not time for this House to interfere. Shall any noble Lord, high in office, though not in confidence, or any noble Lord in confidence, though not in office, not have a sense of the danger of the times, as the House of Commons seem to have. I am for this Address, and upon this ground, that it offers to his Majesty a sufficient and necessary pledge of our loyalty and affection to his person, and the Constitution of the country; and to the people, it speaks our firmness—for Parliament will not be robbed of its privileges, even by its own children; and we cannot, for the sake of our posterity, suffer it. We ought to give Government our assistance, when its imbecility may require it, to support the Constitution. A great deal has been said relative to the Volunteers; there is no man that reveres, that respects them more than I do; their temper and moderation has made the greatest impressions on my mind, but I am not blind to their imperfections, when I find they have gone beyond the original idea of their institution. If the Constitution is suffered to be infringed, I will not remain to be a witness of it, but leave the country.

If the Constitution is not supported, no body of people can be happy.

Lord *Mountmorres*.—At so late an hour, my Lords, I appear before you with reluctance ; oppressed as I am with the task of replying to the abilities manifested by so many Lords during the course of this debate.

To enter into a competition with the noble Lord (Mornington) I should wish to avoid ; the public interest may be promoted by our co-operation, but not much by our collision ; discretion tells me, that among the candidates for public opinion and popular fame, fortune, like other females, usually prefers the younger to the older claimant.

I shall give the noble Lord full credit for the display of abilities ; I admit that he has held a manly language. The character which has been drawn by a masterly hand, by the great Speaker of the Convention Parliament (by Lord Halifax)—the character of a Trimmer, will not apply to the noble Earl—trimming will not be evidenced by his conduct ; neither am I persuaded will his Lordship TRIM upon this or upon any other occasion.

To all the big words and inflated expressions which I have heard, of danger to the Constitution, and insults from conventions of armed men ; I answer in two short emphatic words—Prove it.

If formidable spectres, pretending the downfall of the Constitution, were to appear in this House, I admit the noble Lord is frightened with a becoming dignity ; the ancient Roscius, or the modern Garrick, could not start with a better grace, at the appearance of a spectre.

But I, my Lords, whom am a plain man, of not so very lively a fancy, cannot see them ; and am I still to ask, what these dangers are, or how fancy can torture into danger two respectable Members of the other House of Parliament, asking to bring in a bill for the improvement of the Constitution.

A learned Lord (Lord Annally) has talked of the illegality of the Volunteers ; he dissented to the vote of thanks. I was one of the last that put on this garb in compliance with the desires of the gentlemen where I live—when it had become almost the mode and dress of this country.—

I must say a word upon that illustrious body of men and of their proceedings.

A noble Earl (Lord Hillsborough) has given you an account of their origin, from the letter to the inhabitants of Belfast;—but I deny that the inhabitants of Belfast were armed by themselves, for arms were sent down by Government, and 500 stand of arms were afterwards distributed by Government to the thirty-two counties; so that not only they, but 16,000 of the Volunteers were armed and countenanced by Government.

I am not conversant with the black letter, to point out the particular act of Parliament, but their institution was warranted by the first of all laws, paramount and antecedent to every other—the law of self-defence and self-preservation.

To the authority of the noble Lord, I oppose that of the great and excellent man in a similar situation in another country; what was his opinion at the time of the riots? “Soldiers are citizens; they do not lose their civil rights by their military situation; they may be called on by the civil magistrates as a part of the *Posse Comitatus*, to preserve the peace.” Apply this doctrine to the Volunteers; If mercenary soldiers are citizens, how can it be argued that those have lost their right of discussing constitutional questions, the birth-right of freemen, because they have armed in defence of their country.

I do not say that any body of men have a right to dictate to Parliament;—but I ask the noble Lord, what law restrains the subjects to propose questions for the consideration of Parliament? Has not that right been often ascertained? Was not the language of the Commons of England decisive upon this in the Kentish petition soon after the Revolution?

My Lords, I have often been asked in England, what were the numbers and description of the Volunteers? To the first I answered, I could not tell, but that the strongest description I could give was, by the word *CLANSHIP*, or in other terms, every Gentleman of property arming his tenants and followers; and in foreign countries, I answered to similar questions, that every man who was capable of arming in this country, was armed.

I do not retract that definition; I remember the recent expression—The armed Majesty of the People; I admired it, not only as an elegant expression, but a brilliant truth; and according to my ideas, the People and the Volunteers are reciprocal terms, synonymous descriptions, and to say that you refuse the desires or petitions of the one, is to negative the desires of the other.

I know not what new fears have arisen; I know they have been recently thanked by this House for their conduct since the last Dungannon meeting. It is true, Lords are now warm in their approbation; it is but justice: their institution marks not the least brilliant page in the annals of mankind; and he must be cold indeed who does not receive with enthusiasm an institution, which would do honour to the Roman legions in the purest day of the republic, and which has caused the noble genius of Italy to appear once more upon the stage.

But, my Lords, I know not that they have even approached Parliament. A bill of reformation to the constitution it has been said, has been refused leave in another assembly, and has given rise to this address.

My Lords, I am frank upon the subject; I am no friend to the reformation of the constitution; I admire it with respect and veneration, as the production of the experience of time, and the wisdom of a thousand years.

But if a man of superior abilities, equal, if not superior, to any that I have ever known in this or any other country, should propose a plan to restore and preserve the spirit of the constitution, I would say, do not condemn it unheard; let it rest upon its merits, try it upon them; but do not let your prejudice anticipate your judgment.

My Lords, if many parts of the plan meet unanimous approbation, why is the whole rejected; if enlargement of franchise in decayed boroughs should be proposed, ask the gentlemen of Sussex, is it a new idea in England? Look at the new rules upon your code in the days of Charles II. empowering the Lord Lieutenant and Council to enlarge the number of freemen in Dublin and other towns, and tell me, is it a new proposition in this country.

If in two instances they should forerun the practicability of co-operation with England, may it not be altered upon parliamentary provision.

My Lords, a right reverend Prelate has mentioned the merit of the last parliament in the restoration of our constitution. I admit it; but I deny their claim to exclusive merit; they shared it with the Volunteers: that institution enabled their wisdom to wield the force of an arrayed, armed and efficacious people.

My Lords, the noble Lord upon the woolfack has reminded you of the answer of the barons of England to innovations, and their celebrated *Nolumus leges Angliæ mutari*; he has not told you the occasion, and I will supply it; it was upon a requisition from Rome, to adopt the principle of the canon law, that children born before wedlock should be legitimated upon a subsequent marriage; it was an answer to papal encroachment. But the knowledge of the noble Lord in parliamentary records will not produce such an answer, or such a negative, to the desires of the people.

Upon the whole, my Lords, I see no reason, I have, heard none, for this address; I found my conduct upon the conduct of a great Prelate (Archbishop King) which has been read at your table. I am against frivolous and unnecessary addresses to the Throne. He was a great name in the learned, as well as the political world; his celebrated book dictates the expression—I hope this Address will not be the *ORIGIN OF EVIL*.

If there is any real danger to the Constitution, let the House of Commons express and prove it; I will meet them; I will go hand in hand with them. I am ready to perish in the seat of legislation in defence of its rights, as the Roman senators did when the Gauls invaded the Capital. But if nocturnal addresses are brought up here, founded on imaginary dangers and unreal phantoms; if I am forced out of my own province, and compelled to speak of their proceedings, I will speak to them with the frankness becoming my character and situation; I will speak to them as our great countryman, Sir William Temple, spoke to Charles II. I admire your situation as representatives of the people; as really such you are great indeed; but if you refuse to gratify their reasonable desires, if you stifle the petitions of the people, if you deprive yourselves under the umbrage and protection of the other parts of the legislature;

you are NOTHING ;—nothing, when contradistinguished and set in opposition to the sense, desires, and opinion of the collective body of the people.

I have said, my Lords, that the conduct of the Volunteers, or of the people, has been decent and moderate. I have not the honour to be a delegate; I presume too much in being their sponsor. But I will go further, their subsequent conduct will be as proper and as moderate, and the morning sun which shall enlighten this land, will see and verify the prediction.

Lord *Carlton*.—If I was to be enslaved, I would rather be under the will of one tyrant than the many.

Lord *Powerscourt*.—It is not unconstitutional to say the parliament is corrupt. No man can deny it; it is too well known that two-thirds receive the wages of corruption.

Lord *Dysart*.—Though I am for giving every consistent proof of our loyalty and attachment to our Sovereign and our sister country, I cannot agree with the resolution proposed, in raising up a phantom of danger without substance.

Lord *Inchiquin* declared himself in favour of the resolution.

Lord *Mountgarret* was of opinion our free trade was merely nominal, a shadow without substance; that the English did every thing in their power to prevent its effect; but as he thought there was a seeming coercion, he would be for agreeing to the resolution, in support of the freedom of Parliament and the Constitution.

The Bishop of *Clonfert* was for agreeing to the resolution; and said if there was any danger it ought to be met boldly.

Lord *Mountmorres* replied, the Volunteers were constitutional members of society, they had not lost their rights or privileges as citizens by taking arms, they had a right to arm themselves by the law of the land. He cited Lord Mansfield's opinion, that a soldier or officer in the army did not lose his right of a citizen by being a soldier. He then moved the previous question, that this question be now put, which was carried in the affirmative without a division.

The main question was then put, to agree to the resolution.

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Teller for the Contents, Lord Mornington.

Teller for the Non-contents, Lord Mountmorres.

The blank after the words "Resolved, by," was then ordered to be filled up, by inserting the words, "the Lords Spiritual and Temporal." And then the resolution appeared to be the joint resolution of the Lords Spiritual and Temporal and Commons, in Parliament assembled.

N. B. Every noble Lord who spoke in this debate, on either side of the question, declared their regard and respect for the Volunteers.

After reading the bills for the encouragement of the Linen and Hempen Manufacture, the Sugar-bill, and Mr. Singleton's private bill,

The following Protest was entered on the Journals :

Dissentient,

BECAUSE we conceive that, excepting in those cases where constant usage has rendered Addresses necessary, his Majesty ought never to be addressed but upon great and important occasions.

Because we do not know nor believe that any cause now exists to require or demand the Address which a majority of this House has thought fit to send up to the Throne.

CHARLEMONT,
ALDBOROUGH,
POWERSCOURT,
MOUNTMORRES.

Adjourned 'till Thursday next.

THURSDAY, DECEMBER 4, 1783.

The House having resolved into a committee, Lord Viscount Ranelagh in the chair,

An engrossed bill from the Commons, entitled a Bill for the Advancement of Trade, was read.

The House was resumed, Lord Annally on the wool-sack, the Lord Chancellor being indisposed.

The Lord Lieutenant's Answer to their Lordships Address, in which his Excellency declared the satisfaction he felt for their dutiful Address, and expressed his thanks, was then read, and ordered to be entered on the Journals.

Lord Ranelagh reported from the committee, the bill for the Advancement of Trade.

Ordered to be read a third time.

Lord Carysfort moved the following resolutions, *viz.*

Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, *nem. con.* That all grants for the encouragement of particular manufactures, arts, and inventions, or for the construction or carrying on of any public or other works, ought to be made in separate acts, and that the practice of annexing such grants to bills of aid or supply for the support of his Majesty's government, is unparliamentary, and tends to the destruction of the Constitution.

Resolved, by the Lords Spiritual and Temporal, in Parliament assembled, *nem. con.* That this House will reject any bill of aid or supply to which any clause or clauses, the matter of which is foreign to, and different from the matter of the said bill of aid or supply, or any clause or clauses for the granting of any sum or sums of money for the encouragement of particular manufactures, arts or inventions, or for the construction or carrying on of any public or other works, shall be annexed.

In support of this motion, he stated the ancient usage of Parliaments of Great Britain, from whence the Constitution of this country had its origin; and said, the present mode of tacking the salaries of the officers and servants of

Parliament, as well as grants to other persons, and for other purposes, was, of latter days, an innovation on the Constitution and laws of Parliament.

Lord Mountmorres.—My Lords, when this subject was first mentioned, on a former day, in this House, I asserted that all private grants to individuals in England came from the House of Commons in separate bills;—an assertion which a noble Earl near me (Lord Hillsborough) corroborated from his own personal knowledge and authority in the proceedings of the British legislature.

It is my intention to prove that the present mode of tacking private grants to money bills, is an usurpation upon this House, and a novelty in the Constitution, and to submit my reasons to your Lordships.

I differ from the noble Earl in one assertion on a former day. I do not think this House can alter money bills. I found my opinion on the authority of the great lawyer, Lord Chief Baron Gilbert.

“Taxation always granted by the Commons.”

Gilbert's Chancery, f. 7. “But because the Commons, sitting by right of representation, could give no more than they were empowered by their principals, therefore all taxation used to begin in their House; neither would they suffer it ever to be altered, because they looked upon that to be a breach of trust, in not conforming to the original instructions they received from their principals.—This seemed to be taken from the customs of the ancient boroughs, who were instructed to give a particular sum for every particular borough; and they did not immediately leave that way of taxing: And afterwards, when they came into a more general way of taxing by tenths and fifteenths, they used to consult their principals, as they had formerly done, what they could bear; and when once, by consultation together, they had formed one general subsidy, they would never suffer it to be touched by the superior Baronage. This gave the power of the purse to the Commons, which, as it gave an opportunity to the Crown to gather great sums of the people, so it made them a balance for the ancient Baronage; and in after-times, even too great for them.”

This I think conclusive upon this head, and I proceed to consider simply—the right of a separate distinct negative in the Crown and the House of Lords—and therefore that according not only to right, but ancient usage, all private grants should come up in separate bills.

In early times, I find but few money-bills upon the Statutes; probably the Government of this kingdom was supported by the demesnes of the Crown, or other regalities which were derived from the common-law. I have in my hand, notes which are accurately taken and revised from the Statute-books.—The first that I find is in the Statutes at large.

An act of 28th of Hen. VIII. vol. i. p. 110. intituled “An Act for granting a twentieth part of Ecclesiastical Benefices.” In which there are no private grants.

The second, an act of the 3d and 4th Philip and Mary, vol. 1. p. 277. intituled “The Act of Subsidy.” In which there are no private grants.

The third, an act of the 11th of Eliz. vol. i. p. 253. ch. 1. intituled “An Act for giving orders for bringing in of Wines into this Realm, where they shall be discharged, who shall rate the prices of them; and also for a Grant of a Custom out of the same Wines.” In which there are no private grants; unless that exemption to Peers and Privy Counsellors importing a certain quantity of Wines, duty free, be considered as a private grant; which privilege, I believe, exists at present.

Fourth. An act of the 11th and 12th of James I. vol. i. p. 460. intituled “An Act for granting one entire Subsidy by the Temporality. ch. V.” In which there are no private grants.

Fifth. An act of the 10th of Charles I. vol. ii. p. 2. intituled “An Act for the grant of four entire Subsidies by the Temporality.” In which there are no private grants.

Sixth. An act of the 15th of Car. I. vol. ii. p. 106. intituled “An Act for the grant of four entire Subsidies by the Temporality.” In which are no private grants.

Seventh and eighth. Two acts of the 14th and 15th Car. II. vol. ii. p. 349. The one for the grant of four, and the other for the grant of eight entire Subsidies by the Temporality. In which there are no private grants.

Ninth. An act of the 14th and 15th of Charles II. vol. ii. p. 365. intituled "An Act for the settling of the Excise, or new Impost, upon his Majesty, his Heirs and Successors, according to the Book of Rates therein inserted." In which there are no private grants.

I have carefully looked over all the acts relative to the hereditary revenue, and find no private grant in them; on the contrary, there are clauses against granting any part of the hereditary revenue in pensions, or otherwise, to individuals,

The mode which obtained before the Restoration for raising money, was by joint consent of both Houses, 1639.

"The Lord Chancellor delivers the message to the Lord Lowther; that twelve of the Lords do meet twenty-four of the Commons, to congratulate their chearful giving of the subsidies, and the declaration understood by them to be intended; and to agree and join in the form with them at three o'clock in the afternoon, in the next room."
——*Lords Journals*, 104.

Commissioners to assess Lords.

"Ordered, that the Lords above-written be Commissioners to assess the Lords Spiritual and Temporal and the Clergy in the present poll; and this way of raising money to be no precedent for the future; and that it be done within a week."——*Lords Journals*, 276.

*Act for raising 30,000*l*.*

"An act for raising 30,000*l*. for the Duke of Ormond, read and passed."——*Lords Journals*, 299.

*Report concerning 20,000*l*. for the use and contingencies of both Houses.*

Vide 14 and 15 Ch. 22. "Members of Parliament took up sums of money on their own credit, to defray expences of Commissioners sent to England, to be raised, as prescribed by act for raising 30,000*l*. for the Duke of

Ormond, according to the mode laid down by both Houses of Parliament.

“ Message to Commons, that this House hath appointed four Lords to manage a free Conference touching the disposal of the 20,000*l.* designed for the contingencies of both Houses.”——*Report from Conference, ibid.*

Statutes, vol. iii. p. 245. 4th W. and M. c. 3.——
An act for an additional duty of excise upon beer, ale and other liquors. No private grant in it.

P. 249. 7th W. III. c. 1.——The like.

P. 289. 7th W. III. c. 14.——An act for granting a supply to his Majesty, by raising money by a poll and otherwise. No private grant in it.

P. 312. 7th W. III. c. 14.——An act for granting unto his Majesty an aid or additional custom on the several goods and merchandizes therein mentioned. No private grant in it.

P. 328. 7th W. III. c. 28.——An act for continuing the statute for an additional excise upon beer, ale and other liquors. No private grant in it.

P. 353. 9th W. III. c. 4.——An act for granting an additional duty on tobacco. &c. Private grants to the sons of the Speaker, Sir Audley Mervin—and the Clerk, Mr. Warburton, to the amount of 6600*l.*

P. 374. 9th W. III. c. 8.——An act for granting a supply to his Majesty by raising money by the poll. No private grant in it.

P. 451. 10th W. III. c. 3.——An act for raising 120,000*l.* on lands, &c. No private grant in it.

P. 471. 10th W. III. c. 4.——An act to complete the supply to his Majesty, &c. and to finish the barracks. No private grant in it for other purposes.

2d. of Anne, c. 1.——An act for an additional duty of excise on beer, &c. No private grant in it.

2d of Anne, c. 4.——An act for continuing the additional duty of excise on beer, &c.

Grants to clerks and officers, &c. to
the amount of -

And to Mrs. Hamilton -

£800 }
600 } £1400

4th of Anne, ch. 1.—An act for granting to her Majesty an additional duty on beer, &c. No private grant in it.

6th of Anne, c. 1.—An act for granting to her Majesty an additional duty, &c.

Grants to clerks, &c. - £1350 }
To Charles Rickesies, Esq; - 1997 } £3347

Ordered upon this, by the Lords, that C. R. Esq; do pay the fees for this clause, to officers, as for a private bill.

8th of Anne, c. 1.—An act for the better securing the payment of duties, &c. No private grant in it.

8th of Anne, c. 2.—An act for granting an additional duty, &c.

Grants to clerks, &c. - £1750

9th of Anne, c. 1.—An act for better securing to her Majesty the payment of such duties as shall be granted, &c. No private grant in it.

9th of Anne, c. 2.—An act for granting to her Majesty an additional duty on beer, &c.

Grants to clerks, &c. - £1100

11th of Anne, c. 1.—An act for granting an additional duty, &c.

Grants to clerks, &c. - £1050

2d Geo. I. c. 1.—An act for granting an additional duty, &c. No private grant in it.

2d Geo. I. c. 3.—An act for granting an additional duty, &c.

Private grants.—Six-pence per pound payable to Vice-treasurers, and all other fees payable out of the aids granted this sessions—to be applied in carrying on and finishing the offices in the Castle.

4th Geo. I. c. 1.—An act for continuing additional duties, &c.

Grants to clerks and officers, - £1550

6th Geo. I. c. 4.—An act for continuing additional duties, &c.

Grants to clerks and officers, - £1920 }
To Stephen Costilloe - 500 } £2420

8th Geo. I. c. 1. — An act for granting additional duties, &c.

1723. Grant to trustees of linen manufatures,	-	£2560	} £5390
To Mr. Penefather,	-	300	
To clerks and officers,	-	1530	
To Mr. Burgh,	-	900	
To Mr. Sterne,	-	100	

10th Geo. I. c. 1. — An act for granting additional duties, &c.

1725. Grants to several persons	-	£9800	} £11330
To clerks and officers	-	1530	

1st Geo. II. c. 1. — An act for granting additional duties, &c. No private grant in it.

1st Geo. II. c. 4. — An act for granting additional duties, &c.

Grants to trustees of linen manufacture.

			Duties on coffee, &c.
To Mr. Penefather,	-	£300	} £12130
Clerks and officers,	-	1830	
Parliament-house,	-	6000	
Linen manufacture,	-	4000	

3d Geo. II. c. 1. — An act for granting additional duties, &c.

Grant for building the Parliament-house,

To linen manufacture,	-	£10,000	} £15932
Mr. Penefather,	-	4000	
Clerks and officers,	-	300	
	-	1630	

3d Geo. II. c. 2. — No private grants.

5th Geo. II. c. 1. — An act for granting additional duties, &c. Grants to clerks and officers, private persons and for public works.

7th Geo. II. c. 1. — Several grants for public works, private persons and clerks.

9th Geo. II. c. 1. — Several grants for public works, clerks, &c.

11th Geo. II. c. 1. — Several grants for public works, clerks, &c.

13th Geo. II. c. 1. — The like.

15th Geo. II. c. 1. — The like.

17th Geo. II. c. 1. — The like.

19th Geo. II. c. 2. — The like.

21st Geo. II. c. 1. — The like.

23d Geo. II. c. 1. — The like.

25th Geo. II. c. 1. — The like.

27th Geo. II. c. 1. — The like.

29th Geo. II. c. 1. — The like.

31st Geo. II. c. 1. — The like.

33d Geo. II. c. 1. — The like.

Amounting to £.61,368 13s. 4d.

I must add this, that the grants of this session amount to £89,443. and that is quadruple what they were in 1721.

From this detail of facts, my Lords, it is plain that this custom of tacking private grants to money-bills, is an usurpation, not a right—a novelty, and not a custom, in the Constitution.

It appears, my Lords, that a debt which was owing to the Speaker, Sir Audley Mervin, was the cause of the first grant; and that the custom of granting money to individuals in the money-bills, arose under the precedent of granting money to their servants in the House of Commons.

The following is an extract from the Act of Settlement, which shews how that debt accrued :

Act of Settlement. 1662.

“CCV. And whereas there are fees claimed to be due to Sir Audley Mervin, Knight, Speaker of the House of Commons—Sir George Lane, Knight, Clerk of the House of Lords—Philip Fernley, Esq; Clerk of the House of Commons, and other attendants, on either of the said houses, out of every bill passed in Parliament, wherein or whereby any person or persons, bodies politic or corporate, receive any grant of, or restitution to, any forfeited lands, tenements or hereditaments to them or any of them, their

heirs and successors, being particularly named or included in the said bill ; be it therefore enacted, by the authority aforesaid, that the ascertaining the respective fees payable by the said persons, bodies politic and corporate, not particularly named by this act, though included therein, both as to the sum and sums, and the way, time, manner and paying thereof, be and is hereby left to the consideration of the Lord Lieutenant or other Chief Governor or Governors, and Council of Ireland, for the time being, after advice therein had with both Houses of Parliament there ; and what order or orders shall be by them after such advice resolved upon and recorded in the High Court of Chancery, shall be as good, effectual and binding to all intents and purposes, for the demanding, levying and payment of the said fees to the persons aforesaid, their and every of their executors and assigns, as if the said order or orders were particularly and directly set down and expressed in this present act."

This debt to Sir Audley Mervin was suffered to pass unnoticed.

But, in 1699, a grant for building the barracks came up in a schedule-bill ; and when a grant to a Mr. Rickesies of 5000*l.* was inserted in a money-bill in 1709, your Lordships ancestors considered it as a private bill, and accordingly ordered him to pay the accustomed fees for this clause as for a private bill.

A great fire having consumed a part of the Castle, in Queen Anne's time, the grants for the repairs were inserted in the common money-bill, and have obtained regularly since 1721 in the money-bills.

I beg a thousand pardons for trespassing so long upon a dry subject—for turning special pleader for the rights of this House. The notes I speak from are regularly transcribed by the clerk ; they are at any Lord's service who wishes to see him. I need not say how much trouble they cost me ; but what are trouble and pains when devoted to the assembly I belong to, and which may, I hope, tend infinitely to clear up this matter—prevent the jobs and the shameful waste of public money, which have been a blemish and a disgrace to this country.

Earl of *Hillsborough*.—I was always of opinion that the constitution of Parliament, as well as that of the Nation, was the same in Ireland that it is in Great Britain. There are divers testimonies on record, that the Lords of Great Britain never relinquished their right, not only of altering, but also of originating money-bills. They never, my Lords, lost that right : their property is taxed as well as any other man's ; and if it be true, that taxation and representation go together, why may we not exercise our right in the same manner other men do ? If we give our money, will we not be judges of the quantum ? I am ready to acknowledge, that some very eminent lawyers, at the same time that they declare we have a right to reject or abridge the supply, either as to duration or quantum, have doubled our right of augmentation. Permit me again, my Lords, to repeat, that the Peers of Great Britain *never* gave up their right to alter money-bills. If any noble Lord were to rise in his place, and assert any such thing, he would directly be called to order, as speaking against the privileges of the House. But, convinced as I am, my Lords, of the justice of your Lordships claims in this instance, I am equally convinced that the time is extremely improper for fanning any disputes between this and the other House of Parliament. This is a time that requires harmony and union, not only in the legislature, but in the nation.—While I combat any thing of this nature, I beg it may be understood it is not the principle I object to : all my objections proceed from my conviction that the time is improper.

The Archbishop of *Cassel* thought it was unbecoming the dignity of their Lordships, to have the noble Lord who presided on the woollack, depend for his salary on an address, while the Speaker of the other House was provided for in the bill of supply. The Chancellor presided in our first court of enquiry, and was allowed a greater latitude in his decisions than the law judges ; whereas, according to his idea, he should be more circumspectly attended to ; for the lawjudges being tied down by a strict rule, would not be so liable to err. He said, he did not allude to the noble Viscount who now filled that high office, for whose person and character he had always entertained the greatest re-

spect, but to the office itself, which ought to be rendered as independant as possible. On the whole, he said, he was no great admirer of jumbling a mass of extraneous matter with the supplies to his Majesty; it had been the mode of late, but he wished to see it at an end. In England the officers depended on the perquisites arising from private bills, and the impression of the great seal, for subsistence. Their Lordships were now going to be a court of judicature; why may not there be a table of fees here as well as in another country, for the purpose of standing in lieu of salary to the officers and servants of parliament.

The resolution passed in the affirmative, without a division.

The question upon the second resolution being then put,

Lord Mountmorres said—I cannot, without concern, behold such prodigality of expences in a country so unequal to it as this. We have recently entailed on us an addition to the public burthen, an augmentation of 4000*l.* a year to the Chief Governor's salary, and 2000*l.* a year to his Secretary:—this is a wanton expence. But as I understand the other House addressed his Majesty in favour of this augmentation, I do not see any remedy within your Lordships reach for this evil; I, for one, must express my disapprobation of it.

Lord Carysfort contended Government was not to blame. The motion had come from a person altogether unconnected with Administration. His Excellency was extremely averse to the measure, and the House of Commons were informed it was his sentiments, that the former salary was fully adequate to maintain the dignity of his Majesty's representative. The communication came from a gentleman in the confidence of Administration. If, notwithstanding, the House of Commons thought right to vote an augmentation, was Government to blame? They had done all in their power, therefore he thought them entirely blameless.

Lord Mountgarret agreed with the noble Lord who spoke last, that Administration was not to blame, because a gentleman unconnected with them had made the motion: but Administration was to blame for not resisting the motion

when it was made.—There was something corrupt in their acquiescence in it.

The resolution was agreed to without a division.

Lord *Mountmorres* moved, that the proper officer do lay before the House, an account of the fees due on private bills, and the impression of the Great Seal.

Agreed to,

Lord *Mountmorres*, after adverting to the necessity that would arise, as they were going to become a court of judicature, for dignity and regularity in their proceedings, moved, that it be a direction to the door-keepers to suffer no person, save members of the House of Commons, Peers sons, and the officers of the House, within the bar,

Ordered,

Adjourned 'till Monday.

MONDAY, DECEMBER 8, 1783.

A message from the Commons, by Sir Hercules Langrishe, that they had passed an ingrossed bill for regulating the small beer brewery, and the indemnification bill. Request their Lordships concurrence.

Which was read a first time, and ordered to be read a second time to-morrow.

Mr. Foster brought up the tobacco trade bill.

Read a first time, and ordered to be read a second time to-morrow.

Adjourned 'till Wednesday.

WEDNESDAY, DECEMBER 10, 1783.

The House in a committee,

Went through the tobacco trade bill, the mutiny-bill, and the small beer brewery bill.

Lord *Ranelagh* reported them without alteration.

Ordered to be read again to-morrow,

Read a third time, and passed without alteration, an ingrossed bill for the better facilitating of trade with the United States of America.

A message from the Commons, by the Attorney General, that they had agreed to and passed a bill for establishing the judicature of the court of admiralty, and requesting their Lordships concurrence.

Lord *Mountmorres* complained that what he had said in the House on Monday last, had been misrepresented in the Volunteer Journal.—The printer was ordered to attend to-morrow.

Adjourned 'till to-morrow.

THURSDAY, DECEMBER II, 1783.

The mutiny-bill was read a third time, and passed.

The brewers bill was also passed, and the admiralty bill committed for to-morrow.

A man, assuming the name and person of William Corbett, appeared at the bar, and being asked how he obtained the Debate of that House of Monday the 8th instant, which was stated to be erroneous, he answered, from the VOLUNTEER EVENING POST of the preceeding evening.

Lord *Mountmorres* said, that he had understood that paper to be under the influence of a great dictator in another kingdom; that it was a new artifice to make men of acknowledged value, and incorruptible and tried integrity, who had the wish, and the ability to serve them, talk nonsense in the papers, and depreciate their services, and lessen public confidence in them, by making them talk like drivellers; that it was a new trick to cheat the public out of their confidence in men who had no other view than the public good, and were above putting public opinion to sale and to auction. That he knew those little arts to have been made use of from low and insidious motives against him; that these were the little artifices of the present vir-

tuous confederacy in another kingdom, and the paltry, scurvy tricks of modern Catalines.

Lord *Mornington*.—This man must be tried either on the ground of publishing the noble Viscount's speech erroneously, or of publishing it at all. Before your Lordships censure him for an erroneous publication, it will be necessary for that noble Viscount to shew that the debate was misrepresented, which does not yet appear, as his Lordship has not thought proper to adduce any proof tending to that end. If you censure the printer for publishing the debate at all, you will have something to do indeed—you must also censure the whole tribe. The printers, both here and in England, have, from immemorial usage, acquired a kind of right to publish the debates of Parliament; it is what I wish should not, except for very weighty reasons, be interrupted; as any invasion on the liberty of the press, while restrained within just bounds, would, in my apprehension, be detrimental to the liberty of the subject.

Lord *Longford* said, a man was called before their Lordships, for mistating the words of a noble Lord in a late debate; but no proofs were adduced that the noble Lord's words were mistated. Let his Lordship prove they were, and the House must censure the printer; but if there was no misrepresentation, the charge falls to the ground, and we must dismiss him.

Lord *Carhampton* thought it a breach of their Lordships privileges, for any man to presume, without leave of the House, to publish their debates at all.

Lord *Annally* then informed William Corbett, printer of the Volunteer Journal, that although he had been guilty of a breach of their Lordships privileges, in presuming to print and publish the debates of the House without leave, yet that their Lordships wished to deal gently with him, and therefore ordered him to be dismissed.

Lord *Mountmorres* then moved, that the order for William Corbett to attend at the bar be discharged.

Discharged accordingly.

Adjourned 'till to-morrow.

FRIDAY, DECEMBER 12, 1783.

The *Nullum Tempus* bill was read a second time.

Lord Mountmorres moved, that it should be committed for Monday.

Lord Carhampton asked if there was any thing relating to titles of honour in it? The *Nullum Tempus* bill, in England, his Lordship remarked, related to a dispute between the Duke of Portland and Sir James Lowther. How does it relate to Ireland.

Lord Mountmorres.—I cannot conceive why the noble Lord asks if titles were affected by it? The plain description of it is—"a bill to limit the claims of the Crown to sixty years;"—or to prevent its going back for more than sixty years to prove its title;—Will it be believed that there were inquests depending in the courts some years ago—and that this bill which I brought three times into this House, and which passed unanimously, was thrown out because it effects the revenue?—Is the uncertainty of private property a subject of revenue?—The noble Lord asks if the bill is calculated for Ireland? Let him look into Lord Strafford's letters, and the life of the Duke of Ormond, and see whether it be calculated for Ireland? My Lords, I answer, Yes—more consequential to this country than the *Nullum Tempus* bill, brought in by Sir George Saville, was to England.

Lord Carysfort moved, it should be put off till after Christmas; though Lord Mountmorres said he should not be here at that time, and it was disingenuous in Government to adjourn it;—but Lord Hillsborough and Lord Carysfort said, it ought to keep the noble Lord here, and they should be sorry to lose his service.

Adjourned to the first Monday after Christmas.

Order for second reading of the bill against bribery and corruption, from the Commons, adjourned, on Lord Mountmorres's motion, 'till Monday.

Lord Hillsborough rose, and after observing several informalities in our parliamentary proceedings, he said, he

wished the House to assimilate their proceedings to those of the Lords of England; that council never sat down there, unless out of sight; that the outward bar and bench annexed to it, were improper:—That the Chief Justice Popham, in attending committees of the Lords of England, said, he knew the respect due to the House too well, though he was infirm, to sit down; that the Speaker, Onslow, never in his time suffered witnesses (as here) to sit down upon the floor, or to come within the bar of the House of Commons; that an artificial bar, projecting into the House, had been contrived by him, that they might be heard—that forms were essential, and partook of and flowed from substance.

A motion to place the bar as at the trial of Lord Valentia was agreed to.

Adjourned 'till Monday.

MONDAY, DECEMBER 15, 1783.

A report was made from the committee appointed to consider of the necessary alterations and additional offices to the House, and the expence thereof.

Lord *Mountmorres* was against hastily agreeing to the report; the estimate of the expences was about 18,000*l.* a sum above the moiety of the expence of building the whole; and though there was not perhaps a finer piece of architecture in this or any other country, yet it had, to the honour of the architect, been built at a very moderate expence to the nation, and Parliament had rewarded his abilities and integrity; he was for every possible saving to the nation, and was for postponing the consideration of the report, that their Lordships might have time to consider the matter maturely; they ought not, he imagined, to begin the work till the House was up, as it would be attended with great inconvenience, and probably impede the public business.

An idea was thrown out, that in order to prevent the nation being put to any further difficulty, by appropriating a new fund for the expence, that it should be laid on the

same fund for opening the avenues of the city, (the additional duty laid on coals.)

Lord *Annaly* declared, that if he had been in the House when that bill came from the Commons he would have opposed it, let the fate of the bill been what it might, as he thought it very hard that a poor man should be obliged to pay an additional tax for one of the great necessities of life, for what in his opinion was unnecessary, and he thought this tax ought not to have been laid on the poor, but on those who desired these ornaments to the city, which, he supposed, they were well able to pay for themselves; he thought the measure of ornamenting the city unnecessary and impolitic, it gave an idea of the magnificence and riches of the country—which was delusive.—When a Lord Lieutenant came here and visited these opulent piles, he would be led to consider the country as extremely rich, when the fact was we were very poor; he found their Lordships had not agreed or come to a final determination what were the number of real necessary offices that were requisite for the better accommodation of their Lordships, and the use of the public, and was therefore for postponing the consideration of the report.

Postponed till Thursday next.

Lord *Carysfort* moved for an Address to the Lord Lieutenant, that he would be pleased humbly to represent to his Majesty the request of that House, that he would be graciously pleased to order the sum of 3000*l.* to be paid to the Lord Chancellor for his great abilities, upright and impartial conduct, and for his support of the honour and dignity of the House as Speaker.

Agreed to unanimously.

Lord *Longford* moved an Address of a similar nature, granting 2000*l.* to Lord Ranelagh, as chairman of the several committees of the House.

Ordered accordingly.

Lord *Mountmorres*.—I hope, and now suppose it is well understood, that these grants are not to be drawn into precedent for the future. The officers apartment here receive double what they do in England. I am for making

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every possible saving to the nation, and think in this case we ought to follow the œconomy of our sister country.

A message from the Commons by Mr. Holmes, that they had passed the qualification bill, and requesting their Lordships concurrence.

Read the bill the first time, and ordered to be read a second time on Wednesday next.

The House resolved itself into a committee on the admiralty-bill, and the bill for preventing bribery and corruption at elections for members to serve in Parliament.

Reported ; ordered to be received on Wednesday next.

Lord *Aldborough* gave notice that he intended, on Wednesday next, to make a motion for bringing in a bill of reform and retrenchment.

Adjourned 'till Wednesday.

WEDNESDAY, DECEMBER 17, 1783.

Mr. Brooke's bill from the Commons read a first time.

Lord *Mountmorres*.—I should not have troubled your Lordships in this early stage of the bill, if it had not been that I consider it as interwoven with the interest of the public.

It is proposed, my Lords, to advance a loan of 25,000*l.* to a deserving, a virtuous, and a public-spirited citizen, for advancing the trade of this kingdom and employing the poor of this metropolis.

My Lords, notwithstanding the advantages we have obtained, it is necessary that men of spirit and enlarged views should lead the way to the inhabitants of this country to avail themselves of them.

In this light, my Lords, Mr. Brooke stands—2000 people, including 600 children, have been weekly employed by him ; the advantages derived from him are present and real, not distant or fictitious. The best security

is given to the public for repayment of the loan—what may be estimated at 1500*l.* per ann. his whole capital, to be accounted for before the Barons of the Exchequer.

I consider this bill widely different from the air balloons and canals that are projecting elsewhere; schemes of which, if executed, I doubt the utility and the execution of, which is certainly very distant.

The utility of this loan will be defeated if the bill is deferred; it is to answer a useful and a present purpose; immediate credit will follow the immediate passing of this bill, and I therefore move you that it obtain a second reading to-morrow.

Lord *Farnham* warmly seconded the idea, and it was agreed to, that the bill should be carried through with all convenient expedition.

Lord *Mountmorres* adverted to the necessity of making some regulations about fees upon private bills immediately;—he read all the precedents which appeared upon the Journals relative to the subject—he produced authenticated copies of the table of fees, which he had obtained from the clerks of the Lords and Commons of England, and urged that our bills should be put on the same footing—he alluded to the Speaker's resolutions in 1760, to exempt bills for the appropriation of public money from fees, which had been agreed upon by both Houses, and upon which an Address to the Throne had been founded, as the best example they could follow, and concluded with saying, that the expence of a private bill in England was 130*l.* whereas here it was 370*l.* or triple the sum.

Lords *Carhampton* and *Farnham* expressed their warmest acknowledgments to the noble Lord for his faithful and indefatigable zeal in the public service.

It was suggested that fees upon appeals, &c. should be put upon the standard of the Lords of England; and upon Lord *Mountmorres's* motion, the papers produced, were referred to a committee.

Lord *Aldborough* then rose, and presented a bill intituled, A Bill for the Retrenchment of the National Expences, and for the reduction of uselefs offices and boards, sinecure pla-

of 1000*l.* per annum; and all civil and military contingencies and charges, under the head of incidents, shall not exceed together the sum of 6000*l.*

“Be it further enacted, by the authority aforesaid, that for the collection of the public revenue or other national funds, no more than five per cent. be allowed on all sums actually paid into the treasury; and that such officers whose emoluments arise from fees, pells, poundage, or perquisites, shall not exceed the sum of 1200*l.* per annum, all surplusses to be applied to the public service.

“Be it further enacted, by the authority aforesaid, that all governors and constables of dismantled useleſs castles and forts, where garrison duty is not regularly performed, and which are not in a proper state of defence, and resided on, be discontinued.

“Be it further enacted, by the authority aforesaid, that in order to reduce the expences of the army, and the half pay list, and to erect a fund for a naval and marine force, that the military establishment shall in time of peace consist of but 5000 effective men, and in time of war shall be augmented to 10,000, and that such posts as become vacant by death or resignation, shall be filled up by officers on half pay, and that no charge be allowed for non-effective or paper men; and that the expences of the staff be limited to 5000*l.* per annum, and the expences of the ordnance to 8000*l.* per annum; the provisions of this clause to take effect from day of

“Be it further enacted, by the authority aforesaid, that the salaries and emoluments of office of persons who go out of this kingdom, be, during their absence, stopped and applied to the use of the public, and that this act be made perpetual.”

In Rei perpetuam Memoriam.

This bill was planned during the Carlisle administration, and presented the close of the Portland administration; the dissolution of Parliament in 1783, put an end to it at that time. The Whig Administration having promised the people a bill of retrenchment, it was again revived, and submitted to the consideration of many, and in particular to Mr. *Pelham*; its principle universally approved, but,

unhappily, its objects not universally concurred in; for on its being presented the 17th instant (on a call of the House) in order to be printed, and the discussion of it to be deferred till after the recess, there was a division as to its being printed, which was negatived seventeen to one; and on a motion for its receiving a second reading the first Monday after the recess, it was also negatived, and its further consideration adjourned to the first of August next.

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1 ALDBOROUGH.

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- 2 TYRONE,
- 3 CLANERASSIL,
- 4 ARRAN,
- 5 CHARLEMONT,
- 6 MOUNTGARRET,
- 7 RANELAGH,
- 8 ALLEN,
- 9 MOUNTMORRES,
- 10 CARLOW, or DESART, not certain which.
- 11 FARNHAM,
- 12 CARHAMPTON,
- 13 CARYSPORT,
- 14 ANNALY,
- 15 Archbishop of CASHEL,
- 16 Archbishop of TUAM,
- 17 LAW, Bishop of CLONFERT.

To which Lord *Aldborough* entered the following protest :

Dissentient,

1st. BECAUSE I conceive, that when a bill of such great extent and acknowledged utility is moved for by any Peer to be printed, but not desired to be discussed till after the next recess of Parliament, in order to afford Lords an opportunity of turning the subject matter seriously in their thoughts during that interval, that they might be the better enabled to propose such amendments or alterations therein

as to them should seem expedient on its second reading, it is rather illiberal to refuse it under the pretence of œconomy, and is, in my opinion, being penurious of pence, while we are prodigal of millions.

2d. Because, that at a time when peace is restored, and the military establishment of this kingdom, instead of being reduced, is more than double what it had for its defence in time of war; when additional salaries, additional judges, and a profusion of grants have of late been voted, notwithstanding the expences of the nation exceed its revenues in the enormous sum of 250,000*l.* and that the people require, and the House of Commons have resolved, that every possible retrenchment ought to be made; the rejecting this bill on the first reading, after admitting its principle, and that "it thoroughly swept the Augean stable, by taking in every mode of reform," appears to me to be acting contrary to principle and to conviction, and not shewing that attention to the wishes or necessities of the people, or national welfare, which, as guardians of the state, we ought to do; and I appeal to that unbiaſſed tribunal, POSTERITY, who will fairly, dispassionately, and disinterestedly decide on the characters and measures of the present times, whether a bill, which had for its object the public good, the liquidating the national debt, easing the poor of most of their burdens, and cutting up venality and improper influence in both Houses of Parliament by the root, and which was founded in œconomy and integrity, merited so little consideration or respect.

ALDBOROUGH.

Lord *Mountmorres* moved, to summon the House for Thursday, to consider of the plan for additional buildings to the House of Lords.

Ordered,

Adjourned 'till to-morrow.

THURSDAY, DECEMBER 18, 1783.

Mr. Brooke's loan bill was read a second time.

Mr. Gandon, the architect, was examined relative to the expenditures that may be necessary for the additions proposed by their Lordships to be made to the House, and said, that exclusive of the sum to be laid out in purchasing the scite, 10,000*l.* or 12,000*l.* would, he believed, be necessary for completing the work. That he could not positively ascertain the precise sum, nor would it be easy for any man to do it. It was intended to add 16 rooms, the relative situation of which he described from his plans. As no particular plan was suggested to him, he was not, he said, prepared to give their Lordships a definitive answer.

Archbishop of *Casbel* said, that it was incumbent on their Lordships to make their intentions known to the architect; as it was impossible for any gentleman to know what might be their ideas on this occasion, he could not set about making a plan with a proper degree of confidence. His Grace was therefore for referring it to a committee.

Lord *Annaly* was of opinion, that some motion should be made. Their Lordships had already debated above an hour, and yet they had the whole to go over again.

Committee was appointed to sit to-morrow.

Adjourned 'till to-morrow.

FRIDAY, DECEMBER 19, 1783.

The above committee sat, pursuant to order, and went minutely into the necessary alterations.

Adjourned 'till to-morrow.

SATURDAY, DECEMBER 20, 1783.

His Majesty's message to both Houses was read, as follows;

“GEORGE R.

“HIS Majesty returns his hearty thanks to the Lords Spiritual and Temporal and Commons, in Parliament as-

sembled, for their dutiful and loyal Address ; His Majesty receives, with the highest satisfaction, the sentiments expressed by his Parliament respecting his Majesty's Government ; and his Majesty's faithful Parliament may rest assured of his Majesty's determined resolution to concur with them at all times, in the maintenance and preservation of that free and excellent Constitution, on which the happiness and interests of his people of Ireland so essentially depend.

G. R."

The Duke of *Leinster* moved an Address of Thanks to his Majesty, for his most gracious Answer.

Lord *Mountmorres* said, that whatever came from his Majesty he should give his hearty concurrence to, and should attend with every mark of loyalty and respect, but that he made a distinction between that and the answer of the Minister : That he had heard often the speech of his Majesty and that of his Minister considered, in parliamentary construction, as one and the same thing ; that as he had been against the message as frivolous and unnecessary ; while an idea prevailed in his mind, that it arose from the present Administration, he must retire behind the Throne to preserve his own consistency, and to avoid interfering with that unanimity which was usual upon these occasions.

The Address passed unanimously.

Lord *Carlow* reported from the committee appointed to consider of the additional buildings to the House, that they had agreed to several resolutions, which he read ; and moved, " That an Address be presented to his Majesty for the Sum of 7761*l.* 17*s.* 5*d.* to be paid the commissioners for widening the streets, to purchase the ground necessary for said buildings."

Lord *Mountmorres* moved an amendment, " Humbly submitting to his Majesty, in the present situation of this country, to act therein as to his royal wisdom and deliberation shall seem meet."

This brought on a long conversation : The Lords *Carlow* and *Tyrone*, and Archbishop of *Cashel*, contending that

the rooms were necessary; while, on the other hand, the Lords *Mountgarret* and *Mountmorres* insisted that it was inexpedient, in the present situation of this country, to put the kingdom to an expence of 20,000*l* which was the supposed estimate, and that at least a discretion should be left in Government.

Lord *Annally* spoke against the scheme, and said, that the public grants amounted to 230,000*l*. and that a loan had been negotiated of 300,000*l*.

Lord *Mountmorres* declared, that the Chancellor had objected to so great a plan of expence, and that he had wished for a more frugal plan.

The Lords *Annally*, *Mountmorres*, and three other Lords, divided in favour of the amendment, against fifteen who opposed it.

Lord *Carlow* moved the original Address, which was agreed to.

He then moved, "That an humble Address be presented to his Majesty, that he will direct the sum of 2000*l*. to be paid towards such rooms as may be necessary for the use of the House of Peers, according to a plan produced by Mr. Gandon, and approved by the House; and that the Duke of Leinster, Lord *Carlow*, and the Earl of Charlemont, be a committee to superintend the expenditure.

This occasioned another conversation, in which Lord *Mountmorres* said that notwithstanding the number of additional rooms that were intended, he wished for one more, that is, room for frugality and œconomy.

The House divided on the question.

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Lord *Mountmorres* observed an improper designation in the Dublin Gazette by Government, to a Lord who was not upon the roll of Peers, which, though against orders, he would take no further notice thereof.

Adjourned 'till Monday.

MONDAY, DECEMBER 22, 1783.

Mr. Brooke's loan bill read a third time and passed.

His Excellency the Lord Lieutenant came in the usual state, and gave the royal assent to the following bills, viz.

1. Money Bill.
2. Loan Bill.
3. Stamp Bill.
4. Bill for advancement of trade.
5. Bill for regulating sugar trade.
6. Tobacco Bill.
7. Bill to promote linen and hempen manufactures.
8. Bill to indemnify persons who have acted for the service of the public.
9. Bill for facilitating trade with America.
10. Mutiny Bill.

After his Excellency had retired,

Lord *Ranelagh* moved an Address to the Lord Lieutenant for a like sum as was granted last year, for payment of salaries to the officers of the House.

Ordered accordingly.

Lord *Mountmorres* said, that he was happy to give his concurrence to a resolution in the House which ascertained the salaries of the servants, without a reference to a scrambling committee, which was a means of continual additions and augmentations : that he wished and hoped to see the salaries ascertained, and a part of the establishment, as it was in the Lords of England.

Lord *Mountmorres* moved, that the writ of error between Rochfort and Burton (the great Ely cause) be heard on Wednesday 28th January ; the Lords to be summoned, and all the judges ordered to attend.

Ordered to attend accordingly.

His Lordship then observed, that upon looking into the Journals of the Lords of England in 1765, the custom was to appoint one or more causes to be heard on a certain day, and to appoint days for the remainder, as occasion should serve, on the first vacant day.

Lord *Carlisle* reported the Lord Lieutenant's answer to the Address respecting the additional buildings, that he would lay it before his Majesty.

Lord *Mountmorres* then rose and informed the House, he had a petition from the principal solicitors in Dublin to present, praying that the fees upon appeals and private bills should be reduced to the English standard; and said, My Lords, I rise to render one more service to my country, possibly the last during this session: I do not mean it as an opposition motion, I rejoice at the late defeat of a dangerous combination in another kingdom: these events are more satisfactory to me, my opposition is no more.

It is true, I have had once connections with some of them, but such has been their baseness and ingratitude to me, that I have shook hands with them long since: I never saw the present ministry in any other light, than as the continuation of that which has distracted the empire these 14 years past, and no otherwise changed than by deserters from them going over to opposition to dupe the leading members of it, and bring over a portion of credit and repute which they were never supposed to be possessed of themselves, to join their *quondam* associates.

During this short period of two months that we have sat, you have, by a vote of thanks unanimously passed, done justice to a late viceroy; you have thereby recommended, whenever that happy coalition should take place, an able and upright man to a virtuous king, and to a just and enlightened people.

You have secured the annual meeting of Parliament upon the permanent footing of justice and legislation.

You have given a brain blow to the mischievous doctrine of embargoes, by your conduct in the indemnity bill.

You have recommended an addition to the number of judges, which was necessary.

You have assimilated your orders to those of the Lords of England.

You have made ample provisions for determinations in the *dernier resort*.

You have prevented collusion and fraud in the transfer of lands, by referring private bills to the judges.

You have before you two bills, one for the security of private property, by limiting the claims of the Crown; the other for rendering the second officer in the judicial department useful and efficacious to this country: it remains for you to put private bills and causes upon the same footing as in England, in point of expence; and when the people of this country shall taste the blessings that shall flow from these advantages, be it known to them, that they have originated in this assembly.

Of myself I shall say but little; I have uniformly served this House and my Country without fee or reward; and among those who opposed for 12 years what was deemed a bad system of Administration, or those who have PATRIOTISED for a season, a great man, now engaged in the service of his country in another kingdom, and myself, whether one brought back, or the other saved any thing to this country, this much must be allowed, that our patriotism has been no burthen to the establishment, nor has cost any thing to Ireland. My Lords, to consummate, and to ground your proceedings, the regulation of your fees is still wanting; the memorial is signed by the most respectable of the profession. I recommend it to you most emphatically; I urge and press it to you finally—I repeat it once more, it is a matter of justice.

The petition was referred to the committee for fees, which, Lord *Mountmorres* said he wished might sit during the recess; but as the Lord *Chancellor* declared he could not attend during the recess, on account of his indisposition, it was deferred to the next meeting after.

Lord *Annally* paid the noble Lord the warmest compliments, for his eloquence, diligence, and indefatigable industry; said, he had heard him cite many precedents, but he wished he could point out one to prevent an absence, which he should ever consider as a public loss.

The Chancellor being fatigued from his late indisposition, the House adjourned to Monday, January 26th, 1784.

MONDAY, JANUARY 26, 1784.

The House met pursuant to adjournment.

The Right Hon. Lord Chief Baron Yelverton, Mr. Baron Metge, the Right Hon. Mr. Justice Kelly, and Mr. Justice Crookshank, were by writ of summons called, and took the usual oaths and seats as judges.

The *Lord Chancellor* communicated a message from the Lord Lieutenant, "That his Excellency had received intelligence that the price of oats and barley had suddenly risen to an unusual high price, particularly in Ulster and some other parts of the kingdom; that an alarming apprehension was entertained of a great scarcity of those grains, and desiring the House to take the same into their serious and immediate consideration, so as that by the wisdom of Parliament so great a calamity may be prevented."

His Grace the Archbishop of *Cashel* observed, that in such cases there ought to be no delay if possible, but an immediate remedy applied for the evil; the usual way on such occasions was by address; he then moved, "That an Address of Thanks should be presented to the Lord Lieutenant for his gracious communication of the accounts received, and to entreat his Excellency, with the advice of the Privy Council, to take such measures as they should think proper, on the present emergency, if on proper information it should be found necessary, in order to prevent the calamity apprehended; and that the House would adopt the same."

Ordered accordingly.

The *Lord Chancellor* also acquainted the House with a message from the Lord Lieutenant, "That it was his Majesty's desire that the House should adjourn for a fortnight; in consequence of which it was moved, that the several orders of the day should be adjourned."

The order of the day being read for going into the bill for settling disputes relative to, and ascertaining the office of the Master of the Rolls,

The Archbishop of *Casbel* was of opinion the bill was inadequate to the purpose for which it seemed intended—he could not understand it in its present form—it was copied from an English act of Parliament, which recited disputes and difficulties relative to the office—there were not any such existing here; and he found it was the opinion of the gentlemen of the law, that it would only create confusion if passed into a law. He supposed the noble Viscount * had no hopes of the bill answering the purpose it seemed designed for—he therefore imagined the noble Viscount intended it for their Lordships amusement, and thought it better to postpone the bill 'till his Lordship should be here to explain and support the bill, which wanted much alteration. He then moved, “That the order be discharged, and the second reading postponed 'till the 1st day of September next.”

Lord *Carhampton* was against the postponing, and made a ludicrous comparison of the servant who advised his master to cut off the tail and mane of his horse, send him to the fair, and then see if he would know him again.

The *Lord Chancellor* was of the same opinion, and thought it necessary at present, as it was imperfect in itself. The bill was postponed to the 1st of September next; as were also the several orders of the day, and the causes depending before the House.

The House, after the minutes being read, adjourned 'till Monday the 9th day of February next, and the Lords, with the Judges, were ordered to be summoned for the 11th of said month.

MONDAY, FEBRUARY 9, 1784.

The House met, pursuant to adjournment, and upon a motion for that purpose, adjourned to Wednesday the 18th of February inst.

* *Lord Mountmorres*, who had brought in the bill and who was, at the time when his Grace made this observation, in England.

WEDNESDAY, FEBRUARY 19, 1784.

The House met, pursuant to adjournment.

A message from the Lord Lieutenant was delivered to the House, acquainting him, that his Majesty had been pleased to appoint his Grace the Duke of Rutland to the government of this kingdom; and that it was his Majesty's pleasure that the House do adjourn to Monday the 23d of February inst.

An Address of Thanks was agreed to, for his Excellency's Message.

The House adjourned accordingly to Monday next.

MONDAY, FEBRUARY 23, 1784.

Lord *Carhampton* moved to put off the cause of *Rochford and Hume*, on account of the death of the late Counsellor *Theobald Wolfe*, as by that melancholy event, *Arthur Wolfe, Esq*; one of the counsel in the cause, was so much affected, that he could not exert his usual abilities.

Ordered to be postponed 'till Friday next.

Lord *Annally*—I rise, my Lords, to point out to your Lordships a grievance that exists in the metropolis, and under the eye of government; a grievance that disgraces humanity, and is altogether insufferable in a free country. I mean, my Lords, the oppressive misconduct and total mismanagement of the *Four Courts Marshalsea*. A mismanagement which calls upon the humanity, justice, and honour of this House for redress. The *Marshalsea*, my Lords, instead of being a place of detention, is converted into a place of punishment to those unfortunate men who have the unhappiness to be cast into it. This prison, instead of being laid out in general and impartial accommodations, is, at this severe and inclement season, monopolized; some having one, two, three, or more rooms appropriated to them, while others cannot obtain any comfortable, or even tolerably convenient lodgings. Another cir-

circumstance, my Lords, aggravates the misconduct of the keeper; the people mostly favoured are a set of usurers, about twenty of whom occupy almost the whole prison, and carry on a kind of usury and dishonest exertion, that is a scandal and reproach to all law and good government. It would encroach too much on your Lordships time, and give too much pain to your feelings, to enter into a minute description of these abuses. I shall therefore say, in one word, that it is become a receptacle for usurers and receivers of stolen goods of every denomination. Indeed by several reports, I resolved to enquire into those complaints, and, if well founded, apply some remedy. To this end, I called upon a very respectable and very learned friend of mine, the Lord Chief Justice of the Common Pleas, for his able assistance, who understands these matters much better than I do, and he readily complied with my request. We went together (indeed, owing to the severity of the weather, with much difficulty) to the marshalsea, to enquire into those grievances, but could get no satisfactory answer or account. However, my Lords, to our great concern, we found sufficient to induce us to believe the account too well founded, and to think that an institution attended for the convenience of the unfortunate, was perverted into their oppression. A perversion that loudly claims your Lordships interference.—The marshal has a considerable allowance for his attendance on his duty, if therefore he is found to neglect it, he should be punished. In the court where I have the honour to preside, I have endeavoured as far as the law allowed, to remedy this abuse. At the commission of Oyer and Terminer, when I assisted, I recommended this matter to the consideration of the Grand Jury, whom I requested to go thither. A copy of my recommendation I shall lay before your Lordships, who, I am convinced, will apply the proper remedies to this great nuisance. For this purpose I shall, on some future day, move for a committee to enquire into the state of the Four Courts Marshalsea.

The *Lord Chancellor* was of opinion, that the law lodged a power in the three chief Justices to regulate that prison. He told the House, that enormities and abuses, as he was well informed, were not confined to that goal. The

greatest oppressions and misconduct prevailed also in Newgate, otherwise the New Prison. The neglect of that prison was scandalous, for his Lordship understood that the prisoners had arrived to such a degree of audacity that it was almost impossible to come into it without being robbed. A like mismanagement existed in all the goals in the kingdom; he, therefore, thought it proper, that the committee should not confine themselves to the Four Courts Marshalsea only, but extend their enquiry to all the persons in Ireland. A gentleman, whom humanity induced to visit all the prisons in Europe (Mr. Howard) could not go through the new prison without being robbed of his money and gold watch. This humane member of the community declared, that he never saw worse regulated goals or greater abuses any where than in this kingdom.

The *Chancellor* afterwards, as no very important business was before their Lordships, and as the Duke of Rutland was hourly expected, submitted to the House whether it would not be proper for them to adjourn to Thursday; for as next Wednesday would be a holiday, this short adjournment could make no great difference.

Ordered, that the Lords be summoned to attend their duty in the House on Friday next.

The several orders of the day were postponed to Thursday, to which day the House adjourned.

THURSDAY, FEBRUARY 26, 1784.

Lord *Mornington*, after a warm and elegant encomium, on the public spirit and private virtues of his Grace the Duke of Rutland, and the illustrious patriotism and bravery of his ancestors, moved for an address to his Grace, to congratulate him on his appointment to the government of this kingdom, and his safe arrival in Ireland; and also expressive of their Lordships reliance upon his Grace, that he would promote every measure in his power, that can tend to the interest of this nation.

His Lordship's motion was agreed to, and a committee being appointed, they withdrew to prepare the address;

on their return it was read, and agreed to. Ordered, that the House should wait on his Excellency the Lord Lieutenant with the address to-morrow.

The Archbishop of *Casbel* observed, that as the great cause of Rockfort Hume against the representatives of the late Earl of Ely, was to come before the House to-morrow, he would submit it to their Lordship's consideration, whether all the forms relative to that cause should not be settled this day, in order to avoid any future inconvenience.

The *Lord Chancellor* said, he would give his attendance so early as one o'clock, to-morrow, and after prayers, would call the council to the bar of the House.

Lord *Altamont* rose, he said, to call the attention of their Lordships to the consideration of the Corn Laws, which comprehend giving immediate relief to the kingdom with respect to provisions. He said, he intended moving for a committee to take that subject into consideration.

Adjourned.

FRIDAY, FEBRUARY 27, 1784.

Lord *Mountcasbel* came in with his writ of summons, took the usual oaths and his seat in the House.

HUME CAUSE.

At half past one o'clock, Messrs. Wolfe and Duquery, as council for the appellant, were called to the bar; and also for the respondent the Attorney General and Prime Serjeant—two council on each side only being allowed to plead: but other council were engaged and present to assist the speakers.

Mr. Wolfe opened the cause, stating the points of law for their Lordships, which were—Whether a common recovery, suffered to be performed by a warrant of attorney, acknowledged by the person who gave the warrant, be-

forè a single judge at chambers, or any where else, be a record itself, and of equal force to bear the remainder man from trying the validity of the recovery, as would be a recovery suffered in open court, in person? or, supposing one mode to be equally binding as the other, when the contending parties join issue, and the jury are summoned, impannelled and sworn, the plaintiff shall be withheld from producing his evidence to invalidate the instrument, the jury are told, it is conclusive to bar the plaintiff from any other testimony in the cause, and a verdict is accordingly directed for the defendant? It was contended, that this was in effect, to make the jury determine the law on their oaths, and the judges assume to themselves the province of the jury, to determine the fact. These are the principal causes of error alledged by the judges and by many of the lords and bishops. Mr. Duquery mentioned the case of the Duchess of Kingston, who pleaded a judgment on a jactitation of marriage in the ecclesiastical court, as a bar to the House of Lords trying her cause. The Lords, however, fatally for her, took no notice of the record from an inferior court, and put her on her trial to prove the fact, in which she failed, and, of consequence, the judgment of the ecclesiastical court fell to the ground. It was said also, that a common recovery had been suffered by Wentworth, in the year 1744, by warrant of attorney; but he, having been proved insane, the recoveries also fell to the ground, after a trial by jury in the Court of Common Pleas. And it was also contended, that no attempts were made, in the last case, to bar the remainder to try the fact before a jury, as was done in the case then before the House.

— Mr. Duquery having finished the statement of his case, no other business was entered on, their Lordships therefore adjourned to next day, when the council for the respondent are to enter on their defence.

SATURDAY, FEBRUARY 23, 1784.

The House proceeded to hear council in the case of Hume and Loftus.

Adjourned 'till Monday next.

MONDAY, MARCH 1, 1784.

Council for the respondent were called to the bar.

Mr. Prime Serjeant *Scott* opened the case in a prefatory speech: He then adverted to the several points of error which the appellants had alledged,

In order to reverse the recovery, the issue before their Lordships is, whether Nicholas, the second Earl of Ely, was on the 19th day of June, 1767, the day of the teste of the writ of entry, and on the 6th day of July following, the day of the supposed acknowledgment of the warrant of attorney, of sound mind? As the acknowledgment of the warrant of attorney on the 8th of July cannot be evidence of sanity, at any period antecedent; therefore Lord Chief Justice Clayton having certified nothing of his sanity at any time but on the 8th day of July, the court of King's Bench ought, after the parties joining issue to try the fact by a jury, to have allowed the appellant to give evidence of insanity, on the 19th of June, and on the 6th July; and also on the 7th of July, the day of the execution of the judgment; which evidence, if sufficient, must have induced the jury to reverse the recovery, as being a total nullity. The writ of entry was tested the 18th of June, returnable the 6th of July, and judgment was given by the Court of Common Pleas before the 7th of July; for the writ of seisin, which must of necessity be subsequent to the judgment, it being the execution of the judgment, was executed on the 7th of July, the warrant of attorney being dated the 8th of July—consequently, pending the proceedings on said recovery, and until after judgment and execution, no person legally authorised, appears to be acting for the said Earl of Ely.

The *Prime Serjeant* answered this point, by stating to their Lordships, that this was new matter, stolen in, he said, since the trial, and which their Lordships had no right to try or enquire into, in the first instance; and insisted that the damages to this country would be immense, were their Lordships to suffer its judicial proceedings to be litigated in the *dernier resort*, from matter not produced to the courts below. But not resting on this, he said that by the law of the land fines and recoveries shall not be reversed for clerical errors, or for any want of form; and the books all go to the same point, viz. to establish the record as perfectly valid in point of time in the execution. He expressed his astonishment, that so shrewd a man as Mr. Rochfort, and all his learned council, had not, during a space of twenty-five years, sooner found out this supposed error in the warrant of attorney.

He said, the appellant's council had urged, that his client having joined issue, to try the fact by a jury, had thereby waived the benefit of the record. This, he contended for, was not law, and that the court in receiving the warrant of attorney had before them the best and most legal evidence that could be produced, being an instrument of the highest authority, as it made a part of the record, and was annexed to the judgment of the Court of Common Pleas; and to admit parole, written or circumstantial evidence, to invalidate the certificate of a Lord Chief Justice, and the judgment of a court, would have been to the last degree degrading, and subversive of the common law. That parole evidence is never allowed to be given to controvert, but is admitted occasionally, as collateral testimonies, to substantiate a deed. He said, this case had been determined twelve times against the appellant, and that in the decision by the House of Lords of England, who confirmed Lord Lifford's last decree, Lord Mansfield had read to their Lordships the reports of Sir Robert Clayton, in which were the following questions, and answers said to be given by the second Earl of Ely, when he came before him:

Question 1. (from the judge.) What do you come to do, my Lord?

Answer. To levy fines, and suffer recoveries.

Question 2. For what purpose?

Answer. To cut out Mr. Rochfort from inheriting my estate, who has used me with cruelty and injustice.

Question 3. Who do you intend to give it to?

Answer. To my uncle Loftus, by whom I have been treated with civility and tenderness.

The case of Sir Butler Wentworth, the *Prime Serjeant* centended, was not in point, for the recovery, in that case, was not reversed by a jury, but compromised. Indeed, he said, the compromise took place whilst they were in the box.

The case also of the Duchess of Kingston was not relevant: the judgment not being final was open to inspection: of course there was no legal bar to her being tried for bigamy.

Adjourned 'till to-morrow.

TUESDAY, MARCH 2, 1784.

Second council was called to the bar, to proceed to the case of respondent.

Mr. *Attorney General* began with the first error, viz. relative to the suffering recoveries, teste of the writ, entering the judgment, &c. all which proceedings were gone through before the acknowledgement of the warrant of attorney, on the 8th day of July;—one day after the conclusion of the whole business. To this he said, that the appellant had no right to enquire what was done in the business antecedent to the acknowledgment of the warrant of attorney, as those proceedings, he contended, made no part of the record that bars the remainder man from traversing the validity of the fines and recoveries. This distinction, he said, which was endeavoured to be established, that fines and recoveries suffered by a lunatic, if done in person, and in open court, must be conclusive to bar a remainder, and yet, if done by warrant of attorney before a chief justice, were open to traverse and inspection, was a distinction without a difference. As on this circumstance, principally, the whole merit of the cause appears to be ground-

ed. The Attorney General took great pains to illustrate the law herein with regard to idiots, lunatics, infants, &c. suffering recoveries, privately by warrant of attorney, by guardians, and personally in open court.

As to idiotcy, that was then given up by the appellant, and he now wanted to prove that Nicholas the second Earl of Ely was of unsound mind, so as to be incapable to manage his affairs; and to prove it by parole, written and circumstantial evidence, which, he said, had been upwards of twenty years collecting; and no doubt modulated as best suited the purpose. But the record, he contended, was binding, and a bar to all other evidence, being produced to the jury. He laid great stress on the purity of Lord Chief Justice Clayton's character; as a judge, and as an honest man, there never was, he said, his superior. That judgments were of the most sacred nature; the verdict of a jury, he said, was very immaterial, until stamped with the judgment; to reverse which, was in effect to overturn the law and the constitution: the law, he said, had ever been careful to guard the judgments from reversal, especially those of long standing: he instanced a case wherein a judgment had been given on the presumed death of a man's wife, who, as afterwards appeared, was not dead, but was in person produced to the court properly identified, and it was prayed to reverse the judgment given on supposition of her death, which had been pronounced by the same court as in the pleadings stated! — the court, with the woman before their eyes, pronounced her dead, and confirmed the judgment, saying, that the verdict was not that which was binding, but the judgment, in consequence of the verdict, having become a record, could not be reversed. Neither, he contended, as Lord Chief Justice Clayton, who examined Lord Ely, was dead, and the said Earl of Ely dead also, could the warrant of attorney, having become a record, be subject to any inquisition.

At the close of his oration, he turned to Mr. Rochfort, and repeated from Shakespear the words of Hamlet, *Rest! rest! perturbed spirit.*

With regard to Lord Ely's sanity, Mr. Prime Serjeant had the day before observed, that if he was a fool, he was

the most extraordinary fool that he ever heard of; he had made fools of nine commissioners, four lord chancellors, as many judges, and the House of Lords in England. They must all, he said, have caught the infection from this extraordinary personage, who has made fools of every body but Mr. Rochfort, who has deceived himself.

He contended that this same fool was a very sensible person; and, had he lived, would have been a bright ornament to society; but that in the early part of his life he laboured under difficulties sufficient to make a wise man mad. His father was a needy spendthrift, who, according to the settlement, had no fortune but his son's to live on, to whom he used every cruelty, the sooner to come at his property to gratify his extravagance. On the other hand, after the birth of Mr. Hume, the appellant, who, becoming heir at law, in right of his mother, began to inspect and pry into the proceedings of both, obtained an order from Lord Bowes, that the father should not receive the rents, and that the son should not levy fines, &c. a complication of oppression, he said, seldom to be met with.

The further hearing of this cause was adjourned to Friday, to which the House adjourned.

FRIDAY, MARCH 5, 1784.

At half past one o'clock, prayers being over, the appellant's counsel was called to reply to the arguments on the other side, which had been delivered by the Prime Serjeant on Monday, and by the Attorney General on Tuesday last.

Mr. Wolfe began with the first error, and replied to what had been asserted on the other side, to establish the warrant of attorney as a record of the court of Common Pleas, conclusive in itself; and that levying fines and suffering recoveries, &c. was not a judicial act.

To combat this very important distinction, Mr. Wolfe entered very copiously into the doctrine of fines; an argument which took him some time to deliver.

By the old law of England fines were never suffered but in person, and in open court; but by the statute of Carlisle, permission was given to the Chief Justice of the Common Pleas to receive a fine out of court, for the convenience of infirm persons who were not able to resort to the court for that purpose; and as a guard against corruption and frauds being committed by this new indulgence, an abbot or a priest was to attend the Chief Justice, to examine the party on this very solemn occasion.

In process of time, however, the attendance of the clergy was dispensed with; and to levy fines and suffer recoveries before a Chief Justice in private, is now of so long a standing as to become an established law of the land.

He contended that it was in this stage of the business the party was to be examined as to sanity, age, &c. i. e. in levying the fines; upon which the judgment is founded, and entered on the rolls of the court of Common Pleas; and insisted, from the uniform practice of the law, and from reason, upon which the law is founded, that levying fines, &c. is in itself a judicial act; and that the acknowledgment of the warrant of attorney is a subsequent act, and nothing more than a memorandum that the fines are levied, and the judgment entered thereon: and that, in the act of acknowledging the warrant of attorney, no more examination as to insanity, age, or other impediment whatever was necessary for the Chief Justice to do officially, than would be for a judge before whom a man was to go to make an affidavit. The Chief Justice, he said, might examine the party, but, he contended, it was no part of his judicial office; for that the examination of a tenant in tail must be done at his making the original deed of settlement, and before the issuing the writ of seisin. As no examination of Lord Ely appeared to have been taken, but on his Lordships's acknowledgment of the warrant of attorney, the said warranty can never be conclusive—that Lord Ely was of sound mind when he levied fines and suffered recoveries; an act by more than three weeks prior to the said acknowledgment before Lord Chief Justice Clayton. From all which he pronounced

the said warrant of attorney, and the proceedings previous thereto, evident nullities in law.

But, said Mr. Wolfe, for argument sake, suppose the Chief Justice of the Common Pleas to have examined Lord Ely, and found him sane, how did this appear to the jury on the late trial in the court of King's Bench? [A dead silence through the House.] The warrant of attorney was the only evidence that the court would suffer to go to the jury; which, he contended was a naked instrument, carrying with it no proof either of reason or insanity; and that the much talked of certificate of Lord Chief Justice Clayton, averring the sanity of the Earl of Ely, was not produced. Why was it not produced? Because, said he, they dare not.

Mr. Wolfe concluded this head, with assuring their Lordships, that the sanity or insanity of the Earl of Ely made no part of the enquiry of the House, nor would he have mentioned it, but that it had been so much relied on; and, in short, made the greatest part of the case on the other side—which, he contended, was quite foreign to the question before the House.

To the second error.—A case, he said, had been quoted out of Hobbart, by the respondent's counsel, to prove that when a record is returned into court, it is conclusive. He thanked the gentlemen for having mentioned it, for, when examining it, it would turn out to the appellant's advantage. [The counsel on the other side murmured as being unfair.] He cited the case, of which, as well as we remember, the following is the substance: An action of debt was brought against the High Sheriff of the county of Southampton (who had, by his return, before acknowledged, that he had levied this money, but had not delivered it in court.)—Defendant pleaded, that *nihil debit* as to part paid to the plaintiff, as by his acquittances appeared; to which the plaintiff demurred. And it was insisted for the plaintiff, that the defendant's plea of *nihil debit* as to part, was nought, because it was directly contrary to his return of record; but to that it was answered, that since he had not relied upon the estoppel, but joined issue, that could give him no advantage.

The above case Mr. Wolfe applied to the one in question, and said, that the respondent having joined issue, and the jury sworn, the whole of the evidence on both sides, ought to have gone to the jury; and if they (the jury) found any difficulty in determining the matter, the court of King's Bench should have directed a special verdict.

Mr. Wolfe having closed a very learned argument,

The Lord *Chancellor* stepped aside, and addressed their Lordships on the great acquisition that had been made to the consequence of that High Court of Parliament.

His Lordship said, that the eyes of the nation, and of the world, were upon them; and that it well became their Lordships to proceed in the important business before them with the greatest caution.

The appeal before them, he said, was to reverse a judgment in the court of King's Bench; and the questions, he thought, for their consideration were reducible to two points, on which he would not, at this time, give any opinion; but, with their Lordships permission, he would submit the questions to the judges (the judges of the King's Bench excepted) for their opinion thereon.

Question I. Whether, where a vouchee, in a common recovery, appears by attorney, the caption of the warrant of attorney appearing upon the record to be taken by the Lord Chief Justice of the Common Pleas out of court, be conclusive evidence of the capacity of such vouchee, as to the soundness of his mind to appoint such attorney, and suffer such common recovery? And whether, on the face of the record which was before the court of King's Bench on the trial, when issue was joined between the plaintiff and defendant in error, there be any, and what evidence which in law was conclusive to operate as an estoppel in favour of the defendant?

On the *Chancellor's* putting the above queries, Lord *Farnham* said, he thought they were too prolix, and that submitting the record to the judges for their opinion, as to its being conclusive, would be sufficient.

The Lord *Chancellor* again stepped aside, and with some warmth said, he would not relinquish his right of judgment to any man, or to any body of men. What! call

on the judges to determine that which belong only to your Lordships? From the questions, said his Lordship, I propose to put to the judges, your Lordships are to draw such inferences as will lead you to a right determination of the cause before you.

After a little more opposition from Lord *Farnham*, the Archbishop of *Cashel*, and Lord *Hillborough*, the questions were blended into one, and were ordered for the opinion of the judges to answer on Friday next, and the House adjourned.

FRIDAY, MARCH 12, 1784.

The order of the day for the Judges to give their answer to the questions put to them by the House, was read, upon which the Chief Justice of the Common Pleas rose to request further time. His Lordship said he had used his utmost efforts to bring his brethren to form their opinions; but that, some for one reason, and some for others, he had not yet been able to effect it. And that considering the magnitude of the cause in itself, and the still greater consequence the decision of it would be to the public, he had joined with them in the request, that their Lordships would defer demanding their answer until after the ensuing assizes.

The Lord *Chancellor* left the woolfack, and repeated the words of the Chief Justice. Two points, he said, were necessary for their Lordships consideration; the first was whether the Judges requested time for the purpose of unanimity, or because they had not been able to form any opinion at all; and he said, he would, with their Lordships permission, ask the Judges separately where the obstacle lay.

Lord *Valentia* said, he felt exceedingly for the parties, and thought the case very clear, and wondered that the very learned bench should find so many difficulties to determine a case, which to any common capacity, was as clear as the noon-day. He then moved, That the Judges give their opinions on Tuesday next.

Lord *Carysfort*.—The opinion of the Judges is not conclusive on this House; it is only to inform your Lordships conscience, but the right of judgment is in your Lordships solely. I am against any delay of justice, for supposing a prorogation of parliament was to take place during so long a delay of judgment as had been first proposed, there could be no judgment given till next session, which might be attended with many fatalities.

The Lord *Chancellor* said, he had got authority to say that three of the Judges were now ready to deliver their opinions; but that they had joined their brother Judges in their request for longer time, for the sake of unanimity. Although that was always a thing much to be wished, it was not always obtained: Two cases before the Lords of England were in his own recollection, where the difference in opinion of nine Judges, was five to four.

The Judges were then examined separately, beginning with the junior; when their reasons for postponing were,

Mr. Justice *Coppinger* said, his reasons for requesting a longer time were of a mixed nature; unanimity, and for further satisfaction as to a case that was introduced by one of the Judges in manuscript, which he would be glad to see better authenticated.

Mr. Baron *Metge*. That he had not sufficiently considered the learned arguments of his brethren.

Mr. Justice *Kelly*. Unanimity.

Mr. Justice *Hellen*. Wished to see the case of Sir Butler Wentworth better authenticated; a case, he said, so much in point as made it of the greatest consequence, and that all they had before them of it yet was, an attorney's bill.

Mr. Baron *Hamilton*. Unanimity.

Mr. Baron *Power* was then prepared.

Lord *Chief Baron* was prepared then to deliver his opinion, but for the sake of unanimity, had joined in the request for further time.

Lord *Chief Justice Patterson* said, that he thought the authorities quoted by the counsel, sufficient upon which to found an opinion, and that he was ready to deliver his

sentiments ; but had joined with his brothers for a longer time for the sake of unanimity.

Upon which the *Chancellor* said, he would advise their Lordships to defer the cause until Thursday, and that the Judges, such as were then prepared, be ordered to deliver their answers, and if any obstacle remained with any of them, it would be for their Lordships to determine the delaying it until after the assizes.

The question was put and carried without a division.

THURSDAY, MARCH 18, 1784.

The Judges delivered their opinions on the Hume cause.

The Judges Crookshank, Kelly, the Barons Metge, Hamilton, and Power, and the Lord Chief Baron Yelverton delivered their opinions in favour of the plaintiff in error, and Mr. Justice Hellen and Lord Chief Justice Patterson in favour of the defendants.

A motion being made and the question put, that judgment be given in this cause on Thursday next. The House divided,

Contents,	—	18
Non-contents,	—	19
Majority,	—	1

A motion was made, and the question put, for Wednesday next, which passed unanimously.

Adjourned.

FRIDAY, MARCH 19.

His Grace the Lord Lieutenant came in state to the House, and the Gentleman Usher of the Black Rod being sent to the House of Commons, to require their attendance, the Speaker came up, attended by the Members, when his Grace was pleased to give the royal assent to the following bills :

1. The bill for issuing treasury bills.
2. The bill for regulating the high court of admiralty.
3. The bill for the relief of persons who have omitted to qualify.
4. The bill for regulating small beer breweries.
5. The bill to prevent bribery and corruption at elections.
6. The bill for the relief of several persons interested in the ship *Vriendschamp*, &c.

After which the House adjourned.

WEDNESDAY, MARCH 24, 1784.

The Lords having taken their seats, and the Lord Chancellor being seated on the woofsack, the order of the day was read, for their Lordships to give their decision in the Hume cause. Then the Lord *Chancellor* came from the woofsack, and addressed their Lordships to the following purport: There had been a diversity of opinion in the Judges, six being for reversing the judgment of the King's Bench, and two for affirming it. He most sincerely lamented the diversity of opinion amongst the Judges; because, had they been unanimous, he should have thought himself justified in giving a silent vote; but that not being the case, he imagined, as he had the honour to fill the first department in the law, an opinion would be expected from him; and he was prepared with arguments, on which to found that opinion; arguments, not drawn from obsolete records, which could only perplex their Lordships, but from such authorities as were now used in Westminster-Hall. That upon this law, and in conformity to the opinions of those under whom he was bred, he had formed his opinion in this case; which was most clearly and decidedly with the six Judges, for reversing the judgment of the court of King's Bench. His Lordship paid compliments to the Judges of that court, particularly to the chief; there did not, in the world, he said, exist a man with a better heart or understanding; or a nobleman of greater professional knowledge. But,

continued his Lordship, that he had been mistaken, as many other men have also been, the record of Parliament, &c. were evident witnesses.

His Lordship said, he should put the question to reverse the judgment, and should reserve his arguments until he saw whether there were any diversity of opinions among their Lordships.

Before he took his seat, he, however, once more said, that should their Lordships differ in opinion with the six Judges, their opinions should not go down to posterity, on their Lordships journals alone, for that his should accompany them, in order that his friends, in England, and that the world might know, that he had given testimony in support of the common law of the land, the principles of which could never be overturned. We are not, he said, to consider what the law should be, but what it is : and if their Lordships were of opinion, the judgment of the King's Bench was wrong, then the parties could bring the matter of fact before a jury to be tried. He concluded with observing, that the proceedings in England, and on the commission prior to the judgment of the King's Bench, were not connected with the present question.

The question being put, Lord *Farnham* rose, and declared himself of a contrary opinion, for that it did nowhere appear before their Lordships, that the warrant of attorney was acknowledged out of court. [The Lord Chancellor then referred to the printed case] Lord *Farnham* said, every body knew that it was mentioned by the plaintiff, as matter of accusation, in order that he might lay the venue in Fermanagh, and that if no better authority could be brought, he should still suppose the fines and recoveries to have been suffered in court; and that the council and the Judges had all concurred in opinion, that if an idiot had acknowledged a warranty in court, it could never be reversed; that he had paid the greatest attention to the counsel and the learned Judges, and there had not been quoted one single case in point; and that it would be dangerous for their Lordships to make a precedent, that might unhinge the law, and endanger the property of the nation.

This brought out the Lord *Chancellor*.—He said, that the question before their Lordships was not, whether Nicholas, Earl of Ely, was insane or not, but whether there was, on the face of the record, conclusive evidence to bar the plaintiff in error from going into evidence in the court of King's Bench, on a matter of fact triable by a jury; and on which matter of fact the parties had joined issue. Noble Lords, were not to take into consideration any matter out of the record, but to confine themselves to that which appeared on the face of it; that the question was, simply, whether there appeared on the face of the record any matter which could be considered conclusive evidence sufficient to authorize the judgment that was given in the court of King's Bench.

His Lordship entered into the doctrine of fines and recoveries, and speaking of the business then before the House, said, the acknowledgment of a warrant of attorney was not conclusive evidence of the sanity of the vouchee. In the course of his argument, he quoted, for his authorities, Hale, Hardwick, Wilmot and Mansfield; before whom fines and recoveries had been reversed for error. One case of which he was himself concerned in when he was a serjeant, and upon a circuit: A gentleman of fortune, in a country town, though no idiot, but rather weak in his understanding, (which his conduct clearly testified) would sometimes ask for a guinea, or some small sum of money, and offer his estate for that sum. A person, taking advantage of his weakness, really persuaded him to raise a fine, and suffer a recovery, which was done by attorney. Upon his death, the remainder man brought an ejectment, and issue being joined, a jury was impannelled from another county, lest the influence of either party might impeach the verdict; after a very solemn trial, the recoveries fell to the ground. His Lordship said, he was applied to, and here is a case for the opinion of Serjeant Hewitt. [His lordship produced the case, which was grown yellow with age.] My opinion was, to move for a new trial, in the Common Pleas. I attended the motion; Wilmot was Chief Justice. We endeavoured to prove that the estoppel barred the re-

mainder, and prayed a new trial; but the court were unanimously of opinion, that the parties having joined issue to try the fact, we could have no remedy, and the motion for a new trial was dismissed.

This, my Lords, is sound law, and common sense; upon which I rely as a justification of the vote I shall give on the present occasion. He said he would maintain the law in its purity, and do justice to all men; that he never in his life spoke to Mr. Rochfort or his son; that he before decreed against him from a conviction that he had no equitable remedy.

He adduced as a case in point, that of Lady Darcy. This Lady married during her minority, and, in conjunction with her husband, levied fines and suffered recoveries, to secure her fortune to her husband, and thereby bar the remainder, on failure of issue of her own body; which really happened to be the case. The remainder man brought a writ of error, and a trial was had at bar, and the fact having been proved before the jury, that the Lady, one of the vouchees to the warrant of attorney, was, at the time of acknowledging the same, within age, Dodderidge was clearly of opinion, that a verdict should be given for the plaintiff. So that here, in this case also, the recoveries fell to the ground.

Noble Lords are, said his Lordship, now to enquire, whether the caption of a warrant of attorney be conclusive evidence of the sanity of the vouchee. In Lady Darcy's case, the question was, whether she was competent to give a warrant of attorney, as being of nonage, though a femme covert? His Lordship continued, if upon the face of the record there was not conclusive evidence to prove Lady Darcy of age, and competent to convey her estate to her husband, or to any other person, in bar of the remainder; neither, in his Lordship's opinion, did there appear on the face of the record, produced in the court of King's Bench, conclusive evidence of the sanity of Nicholas, Earl of Ely, to bar the plaintiff in error from producing other evidence to prove said Earl of unsound understanding.

But, as a farther satisfaction to the noble Viscount, he mentioned the case of Sir Butler Wentworth, in the year

1744, which had appeared before in the pleadings. A bill was filed, to set aside a warrant of attorney, acknowledged by Sir Butler, who was *non compos*, and numberless were the instances of insanity produced to prove him of unsound mind: Lord Hardwicke, than whom there never lived a more able lawyer, or a man of greater integrity, said, I am sorry I can give you no relief; all I can do is to hold over the bill, which I will do for twelve months; in the mean time, you may apply to the court of Common Pleas to try the fact; I do not direct an issue to be tried, for that would be encouraging litigation; but your remedy must come from the courts below, and not in equity; but the power lies in yourselves.

What was the consequence, said his Lordship? Why, when the opposite party found that all the proceedings, which were founded on imposition and fraud, must be exposed, after issue joined, and the jury impannelled, they gave way, and suffered themselves to be non-suited. Thus the matter ended, in favour of the heir at law, by the Judges of that court having permitted the plaintiff to go into evidence to prove the insanity of the vouchee to the warrant of attorney.

The Lord *Chancellor* was of opinion, that there was not occasion to go far back for authorities on which to ground and regulate our juridical proceedings. Fitzherbert, author of *Natura Brevium*, his Lordship said, was one of the most accurate writers we ever had; and his opinion was, that the ancient practice must, in course of time, give way to the more sensible doctrine of modern times. His Lordship instanced the case of Mansfield, often repeated by the council for the defendant in error, as a case in point; where an idiot was brought in a creel, into the court of Common Pleas, and there, in the face of the Judges, executed a fine, and suffered recoveries. The remainder man prayed the court to permit an inspection; but the Judges of those days said, that as the transaction was done in person, and in open court, he was, for ever, barred from an inspection into it.

His Lordship said, the noble Viscount was leading their Lordships into distraction, by quitting the question which

was to be argued from principles of law, and not by appealing to the passions.

What had Lady Ely's jointure of 3000*l.* a year to do with the question, or the mortgage of 35000*l.* which was said to be lent on the estate? He insisted that these were matters of which their Lordships had no cognizance. Another circumstance the noble Viscount had mentioned, which was, that should the judgment of the court of King's Bench be reversed, one half the property in the kingdom would thereby be shaken. This idea, his Lordship said, originated in a mistake, in applying meanings to words they were never intended to convey. It has been contended, said his Lordship, that common recoveries were the common assurance of the land. Never was there an assertion so ill founded; as it had been clearly proved, that common recoveries, were as impeachable as any deed, lease, release, bond, &c.

I shall now, said his Lordship, conclude by saying, that I should be ashamed that the world could suppose, from my experience in the law, that I would vote to affirm the late judgment of the King's Bench. No; I am clearly and decidedly of opinion, that it ought to be reversed.

The question being put, the judgment of the court of King's Bench was reversed.

Adjourned.

MONDAY, MARCH 29, 1784.

Heard council for the appellant, in the cause of Cox and Gay.

The House in a committee on the bill for raising and providing a fund for the widows and children of clergymen, Lord Ranelagh in the chair.

After some debate, a motion was made for his Lordship to leave the chair, and to report some progress; a division ensued, but it was given up, without telling, for the motion.

Lord Renalagh reported, leave was given to the committee to sit again on Friday next.

Read a second time, the Waterford police bill, and some private bills.

WEDNESDAY, MARCH 31, 1784.

Read the corn and several other bills.

The House in a committee on the post-office bill, Lord Ranelagh in the chair.

On reading the clause, requiring the month and day of the month being wrote on all franks or covers, otherwise they will be chargeable with postage,

Lord *Carysfort* said, he never felt himself in a more disagreeable situation than the present, as he must oppose the clause, lest it should be imagined he intended to oppose the present administration, of whom he had the best opinion. He disclaimed every idea of opposition merely for such : He would, and had always done so, and supported administration whenever he found they were right, and acted for the benefit of the nation; but the clause, he thought, was injurious to the privilege of Parliament, and highly detrimental to trade, and that free intercourse that was so essentially necessary to every man. He could have no other intention but what he had mentioned, as he had a very considerable property in England, and all his connections were in support of the late ministry. Yet his conduct here, he hoped, was a sufficient proof that he only acted for the good of this kingdom. The late administration, who proposed the present bill, did it with a view of further establishing the emancipation of this country, and the constitution thereof; but they had no idea of introducing this clause, and some other exceptionable ones he found therein.—He was supported on the same grounds by the Lords Farnham, Mountgarret, Desart, Carhampton, and the Bishop of Clonsfert.

The bill was supported by the Archbishop of Cashel, the Lord Chancellor, and Lord Mornington, on the above clause only, but others were disapproved of by Lord Longford, on the ground of the bill being for the good of the public, as the net revenue, whatever that might be, would go in aid of the public revenue. The country had been lately loaded with 50,000*l.* for an honourable gentleman, who, it was supposed, was very worthy and deserving of it. It was also loaded with 53,000*l.* for providing men for the navy of England, and also a pension of 2000*l.* a year had been given to the children of a great man, now no more. It was to prevent and punish a forgery and fraud, and better to lay on such a tax, than put it on the necessities of life; and better they should give up any little privilege for establishing of a post-office than throw the expence on the people.

The question being put on the clause, that it should stand part of the bill,

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A question was also put on the clauses for preventing the sending of letters as packets directed to members, though not for their use, but for others, that it stand part,

Contents	—	23
Not contents	—	17

Went through the bill without alteration.

Lord Ranelagh reported; received and agreed to the bill.

Adjourned.

FRIDAY, APRIL 2, 1784.

Read several bills, after which the House went into a committee on a bill for providing a fund for the relief of the widows and children of clergymen.

After a few arguments against the bill, on the hardships it would be on the lower class of the clergy, which was answered by the utility of it, and that every person

might subscribe in what class he pleased, it was moved that the Chairman quit the chair;

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By which the bill is put off till next session.

Adjourned.

MONDAY, APRIL 5, 1784.

Read a third time and passed, the hawkers and pedlars bill, and also the bill for preventing obstruction of the carriage of corn.

After some arguments and reasons by many of their Lordships, the cause of Cox and Gay was postponed to Monday the 26th instant, in order to frame a question for the opinion of the Judges, previous to the giving of judgment.

Adjourned.

WEDNESDAY, APRIL 7, 1784.

Read Lord De Vesce's bill, and some other private bills.

Adjourned till to-morrow.

THURSDAY, APRIL 8, 1784.

After a short conversation, threw out the insolvent bill.

Adjourned till to-morrow.

FRIDAY,

FRIDAY, APRIL 9, 1784.

The House met.—Did no business, but went to church, as usual on this day.

Adjourned.

WEDNESDAY, APRIL 14, 1784.

A debate commenced on the college physical-school bill. On a motion for a re-commitment, a division ensued; the numbers were equal, proxies included,

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Committed again for Friday next, and all the Lords in and about town ordered to be summoned for that day.

Postponed the paving bill till Monday next.

Read a second time the bill for securing the liberty of the press, by preventing the publication of libels. Committed for to-morrow.

Passed several bills sent from the Commons, some with amendments and some without, and read several other bills.

Read a first time a bill for preventing Lord Strangford from voting by himself, or by proxy, in this or any future Parliament. It was ordered that he be served with a copy thereof, and that it be read a second time on Saturday next, and that the Lords be summoned for that day.

Adjourned till to-morrow.

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THURSDAY,

THURSDAY, APRIL 15, 1784.

The House in committee on the bills for accounting for the money granted for the public works, and for preventing any delay of justice by privileges of parliament.

Reports to be read to-morrow.

Read a third time the bill for preventing the counterfeiting the coin, and some other bills; after which the House went into a committee on the bill for the better security of the press, by preventing the publication of libels.

On the reading of the first clause, for obliging the printers or proprietors of news-papers to make an affidavit of their name and place of residence, to be lodged in the stamp-office, or with the distributor of stamps, to be forth-coming as should be required, and the same to be conclusive evidence in cases of prosecution for libels,

Lord *Mountgarret*, in a manly speech, which did great honour to his feelings as a man, and shewed him the real friend and advocate for the rights of the subject, and the liberty of the press, said he wished to see the parliament better employed at this time; that is, he wished to see them deliberate for the commercial advantage of the kingdom; he often before mentioned his opinion and fears, that our free trade was a shadow; a mere name: Could it be shewn that any real advantage had accrued to the nation? Could Ireland say at this moment she had a free trade? No. It was a name, a shadow? Could she protect her trade? Was she not obliged to England for that protection? (Here was a cry of hear him, &c.) No, he supposed the inattention of the English ministry to this country, and the prejudice of the English nation, prevented the measure; he therefore wished to see their Lordships employed on this great business coolly and deliberately, and without Irish or English prejudice, being not a subject so trivial in itself as a few nonsensical paragraphs in a news-

paper, a matter of little or no importance to the community at large, though it might hurt the feelings of an individual, who could not be put in comparison with the whole, nay, with ten; he was no advocate for licentious publications; he had, for years, divested himself of all thoughts of them, he would not read them; but, in his opinion, the liberty of the press was a matter that should not be highly handled; every man had a right to a free discussion of thought on political subjects, and to give his opinion freely thereon, as it concerned the welfare of the whole; he thought the present clause a hardship, to compel a man to criminate himself, against the known law of the land. The press was the palladium of liberty; to it we owed our dearest and most sacred rights, both civil and religious. When this bill was first brought in, it was fraught with clauses inimical to the liberty of the press; among others, a clause for compelling a man to give a security in a large sum of money, for crimes not committed, but for suppositious delinquencies; and another, empowered a justice of peace to take away the liberty of the subject, without the benefit of his natural right, the trial by jury, though ignorant of his crime, being in all probability totally illiterate. Those exceptionable clauses are in some measure done away; one is omitted, and the others rather softened; this certainly has been owing to the opposition the bill met with in the other House, and in order to give a specious appearance of unanimity, they were certain of carrying it by numbers. There certainly never was a time more improper for bringing forward such an unpopular measure, when the minds of men were in a ferment. It was natural for the people to be watchful of their rights, and they had often no other immediate way but through the medium of a news-paper; he was therefore against that clause, and some others which tended to impose a restraint on the liberty of the press.

Lord *Mornington* said, he would confine himself to the principles of the bill, which was to make the printer of-
fensible for any improper publication; it did not take away the liberty of the press; he hoped the noble Viscount did not mean to adopt the resolutions of the parish of St. Michan, St. Nicholas Within, or St. Nicholas Without, or

other parishes; he thought the bill proper, and it should have his support.

Lord *Farnham*, Lord *Carysfort*, the Archbishop of *Cashell*, and the Bishop of *Clonsfert* supported the bill, on the principles of its not being inimical to the liberty of the press, for that every man was at liberty freely to declare his sentiments as before, it only tended to prevent wanton and licentious libels, and to make the printer ostensible in a court of justice.

Went through the bill without amendment.

Report received and agreed to, and ordered to be read a third time to-morrow.

PHYSICAL BILL.

On the motion of his Grace the Duke *Leinster*, that the bill be now read a third time, the Earl of *Tyrone*, with great ability supported the motion, as did Lord *Carysfort*; which was opposed by the Earl of *Drogheda* and Lord *Farnham*, and some other Peers, but upon the motion being written, viz. that this bill be read a third time by the Lord Chancellor, and read to the House, and asked if that was the motion, it was agreed to, and on a division the numbers were equal,

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Not contents ————— 26

After the division, some of the noble Peers conceived the motion to have been improperly put, upon which the Lord Chancellor, with a firmness and honesty stood up, and said, he was exceedingly concerned that any noble Peer should have supposed he would mistake any motion that might be before the House; he conceived the motion to be as he had written it, which he read over a second time before he put it, and no objection was made by any noble Peer. Sooner than he would put any motion in an improper manner, he declared he would have his right arm cut off.

Earl *Tyrone* declared the motion had not been put in the manner he conceived it ought; for the motion put was subsequent to what the noble Peer (Duke of *Leinster*) had made, and as that was admitting the first motion, the

noble Peer's was admitted. Upon this principle his Lordship argued with great ingenuity, which was replied to by the

Archbishop of *Casbell*.—I speak to order my Lord; the motion being put, and a division on it, entirely disposes of the question. I declare I think we are at present totally out of order; we have no question before us, *it is* disposed of; if we resume a question after there is a division on it, it is acting entirely out of parliamentary order, which I do think of infinitely more consequence than the bill now before your Lordships; for argument sake, my Lords, I will suppose a case, that if your Lordships left such a precedent upon the face of your journals, your Lordships ancestors might rue it; for if a minister was to govern this country, who was unfavourable to its liberty, and to find this precedent before him, he would by it defeat you.

Adjourned till to-morrow.

FRIDAY, APRIL 16, 1784.

The order of the day being called and read for going into the college physical school bill, the clause for leaving the professorships at large and open to men of all persuasions, was argued to be contrary to the charter, the laws now in force, and the will of the donor. A motion was made for postponing the third reading of the bill to the first of September next, in order that another bill might be framed, so as to meet with unanimity.

Contents,	20	Non-contents	20
Proxies,	6	Proxies,	6

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26

After some further debate, the question was put for the third reading of the bill, as above, by which, and the rule in such cases, the bill is lost for the present.

All the orders of the day not proceeded on, were adjourned till to-morrow.

Lord *Carysfort* called their Lordship's attention to a committee that are to meet to-morrow at one o'clock, on a principle of humanity; that is to consider of a petition presented yesterday from a number of the prisoners in the Four-courts Marshalsea, complaining of a monopoly and partial setting of the lodging rooms therein, which was built at the public expence; some having five or six rooms, some of them occupied by dogs, pigs, and fowl, and others for their whores, some five or four, and some three, as the marshal gets a very extravagant price from people there confined, who are able to pay the same, or give what is called out security, while other unfortunate prisoners are totally unaccommodated, though willing to pay a reasonable price for lodging, which they cannot obtain, though they have a right, as the jail and an elegant house for the marshal were built at the public charge, with a large salary and great emoluments of office to the amount of 2000*l.* a year and upwards; by which means they are crowded into a cold and damp place called the common hall, to the danger of their lives and limbs, with other matters of grievance.

James Dexter, Esq; the marshal, was ordered to attend the committee.

Adjourned till to-morrow.

SATURDAY, APRIL 17, 1784.

The following bills were read a third time, and agreed to, viz.

The bill for appropriating the distribution of the sum of 15,000*l.* in premiums for woollen and wool mixt manufacture, cotton, and cotton mixt manufacture, kentings, and lawns, &c.

The bill for rendering commissioners entrusted with sums of money granted for public uses, liable to account for the same.

The bill for better securing the liberty of the press; and some private bills.

His Grace the Archbishop of *Casbel* having distinctly stated the rise and gradual progress of interest in different parts of Europe, and lastly in the dominions of Great Britain, presented a bill admitting the legality of receiving interest at a certain rate.

Lord *Carhampton*, not immediately conceiving the tendency of the bill, required an explanation; upon which his Grace having satisfied the House that the purport of the bill was only to do away some scruples in point of the rate of interest, and allowing that "it has been, and may be lawful to receive six per cent." Lord *Carhampton* said, that as it was a bill of dispensation, he had no further objection thereto.—The bill was read a first time without any opposition.

———— Corry was examined at the bar, relative to the service of an order of the House on Lord Strangford: The service being proved, the further consideration of that point was deferred to Monday.

House in a committee Lord, Carysfort in the Chair.

—— Sparling was examined relative to the treatment of the prisoners confined in the Four-courts Marshalsea: He said, that the rooms were very unequally divided; that through partiality, some were indulged with two or more rooms, while others, who could not afford paying certain rents, were crowded to the number of ten or twelve into one apartment.

Mrs. Bradburn, in very good language, confirmed what Sparling had said, relative to the distribution of the rooms, and in a consistent course of evidence, that seemed to meet the approbation of every one present, added some other facts, which tended to shew the necessity of reformation in the Marshalsea.

Mrs. Stockdale was next examined, and deposed that a young gentleman, who had been so unfortunate as to be committed to the Marshalsea, had taken a fever, which through want of proper accommodation had fallen on his lungs. She then gave a pathetic account of the calamity of her husband, who had been confined four years for a debt

he had contracted formerly in the wine-business. He could have gotten out by the benefit of an act of the last session, had he but one guinea, to employ an attorney to serve notices on his creditors. She added, that she and her husband had lived for some time on the sale of her cloaths, and that her husband was now in such a wretched state of nakedness, that were the doors thrown open to him, he would be ashamed to come into public.

Mrs. Freeman deposed that her husband had been bred an attorney, and was a considerable time in prison. She was then asked many of the questions proposed to Mrs. Bradburn, whose testimony she corroborated.

The committee adjourned.

MONDAY, APRIL 19, 1784.

The House in a committee on the petition of the prisoners in the Four-courts Marshalsea.

Examined Counsellor Trant on the part of the petition. Adjourned the committee 'till Wednesday next.

Read a second time the paving bill. A motion being made for committing it,

His Grace the Duke of *Leinster* opposed the bill, on the whole principles of it. He then moved, that it should be committed for the first of September next.

A debate ensued thereon, as there was a full opportunity of discussing the bill in the committee.

A division ensued on the question of commitment for the first of September.

Contents,	—	—	9
Not-contents,	—	—	18

The House in a committee on the bill, Lord Ranelagh in the chair.

On the reading of the first clause, appointing directors, his Grace opposed it on the ground that though the gentlemen were very worthy and respectable characters, yet they were not properly eligible to the office, as they generally

resided nine months in the country, and that the very opportune time when the streets ought to be repaired.

It was supported on nearly the same ground by the Lords *Carhampton* and *Mountgarret*, and the Bishop of *Clonsfert*.

The clause was supported by the Archbishop of *Cashel*, and the Earl of *Drogheda*.

The Duke of *Leinster* moved an amendment, that the Lord Mayor and Board of Aldermen should chuse two directors out of their own body, annually: On the question being put,

Contents,	—	—	9
Not-contents,	—	—	16
Adjourned.			

WEDNESDAY, APRIL 21, 1784.

A message from the Commons, that they had agreed to the improprieate living bill, empowering Archbishops to encrease such livings by uniting them so as not to exceed 100*l.* per year; with several other bills,

Read a third time and passed the bill to exclude Lord Strangford from sitting and voting either by himself or proxy, or on the trial of any peer in this or any future Parliament; ordered to the Commons, together with his letter, as the ground for the bill.

Lord *Carysfort* moved, that the state of the evidence relative to the conduct of the Marshal of the Four-courts be printed. Ordered.

The House in a committee on the prisoners of the Four-court Marshalsea petition.
Adjourned

MONDAY, APRIL 26, 1784.

Sir Samuel Bradstreet, one of the Justices of the Court of King's Bench, came in by writ of Summons, took the usual oaths and his seat, as one of the Judges.

A message from the Commons by Mr. Holmes and the Hon. Mr. Annesly, that they had passed an engrossed bill for a weekly allowance for persons confined in goal at the suit of their creditors, and requesting their Lordships concurrence; and also with a bill sent up by their Lordships for disabling Lord Strangford from voting either by himself or proxy in this or any future parliament, which they had agreed to, with amendments. Another message from the same, by Sir Henry Hartstonge, that they had agreed to the bill sent up by their Lordships, for continuing several temporary statutes near expiring, with amendments.

Read the first time, and ordered to be read a second time to-morrow, the bill for an allowance to persons confined at the suit of their creditors.

Adjourned the consideration of an application relating to Mr. Bolton's private bill till Wednesday next.

Postponed the further consideration of the cause of Cox and Gay, till Friday next.

Postponed the hearing of the cause of Lord Doneraile, and also the cause of Conner and Charters, till Friday next.

Three witnesses were sworn to give evidence on the complaint and petition of the prisoners confined in the Four-courts Marshalsea relative to the conduct thereof.

Adjourned 'till Wednesday.

WEDNESDAY, APRIL 28, 1784.

The House in a committee on the conduct of the Four-courts Marshalsea, Lord Carysfort in the chair.

Heard and closed the evidence on the part of the complaint. Adjourned the committee till Monday next.

The House resumed.

Referred the application in the case of Mr. Bolton's private bill to a select committee, in order that they might receive the probat of a will as evidence, being the best proof in the nature and circumstances of the case of the original that could at present be laid before them, in order that they might proceed according to justice, and the usages and custom of Parliament; and that the report of the committee should be laid before the Judges, together with their report, for their further consideration.

The House in a committee, pursuant to order, on the bill sent up by the Commons for a weekly allowance from creditors to debtors confined at their suit, Lord Ranelagh in the chair.

Read the bill through.

The Lord *Chancellor* applauded the humane intention of the bill, and also of the Honourable Framer; but it was drawn in a hurry; it was of a nature that required consideration, and as it now stood it was imperfect in many instances; and though the principles of the bill arose from humanity, which he much approved, yet he feared it could not be carried into execution this session for want of time, and if it could, yet the bill in its present state would not answer the end for which it was intended, as he feared it would rather injure than serve the common people, by destroying that credit for small sums so essentially necessary, not only for their accommodation but preservation, as it would tend to the destruction of that mutual confidence and credit so necessary in all cases of trade between man and man, and especially among the common people.

Lord *Carysfort* and the Bishop of *Cloyne* were of the same opinion; and that it would particularly injure the lower orders of the people in the North, and the suitors in civil bills.

The question being put for reading of the bill paragraph by paragraph, the first paragraph being read, it was negatived.

The Lord *Chancellor* said, though he wished a bill of the same tendency to pass, yet he thought if they were to amend the present it would not answer, nor probably be passed into a law this session, as the Commons were not now sitting; and therefore he would consider of the matter, and at present was of opinion, that it would be proper for their Lordships to desire the Judges to prepare a proper and effectual bill for the purpose. He then moved, that some progress be reported, and that the committee on the bill sit thereon this day fortnight: which was ordered accordingly.

Adjourned.

FRIDAY, APRIL 30, 1784.

Heard council in the cause in appeal from the court of Chancery, Lord Doneraile against Charters, and the contrary.

Adjourned the further hearing till to-morrow; to which time the further consideration of the cause of Cox and Gay is postponed.

Adjourned 'till to-morrow.

SATURDAY, MAY 1, 1784.

Heard Counsellor Duquerry on the part of the appellant, in the cause of Lord Doneraile in appeal against Charters; and Mr. Wolfe, one of the counsel for the respondent.

Adjourned the further hearing till Monday.

The Lord *Chancellor* proposed a question for the opinion of the Judges in the cause of Cox and Gay, which was unanimously agreed to; as did the Archbishop of *Cashel* another, which was also unanimously agreed to.

• MONDAY, MAY 3, 1784.

Lord Doneraile in appeal against Charters, and the contrary.

Heard Counsellor Curran for the respondent, and the Solicitor General in reply, for the appellant.

Affirmed the decree of the Court of Chancery.

The House adjourned till to-morrow.

TUESDAY, MAY 4, 1784.

The House in a committee on the conduct of the Four-courts Marshalsea, Lord Carysfort in the chair.

Heard evidence on the part of the Marshalsea.

Adjourned till to-morrow.

The House resumed.

Conner in appeal against Brown, from a decree of the Court of Exchequer.

Adjourned the further hearing till to-morrow, to which time the House adjourned.

WEDNESDAY, MAY 5, 1784.

Closed the evidence in the committee on the conduct of the Marshal of the Four-courts Marshalsea, Lord Carysfort in the chair.

Came to several resolutions relative to the future conduct of that jail, which the Marshal has promised to comply with.

To be reported to-morrow.

The House then proceeded to hear the counsel for the appellant in the cause of Conner in appeal against Brown.

Affirmed the decree of the Court of Exchequer, (without hearing the counsel for the respondent, as it was judged unnecessary from the state of the case) with 60*l.* costs.

Adjourned till to morrow.

THURSDAY, MAY 6, 1784.

Lord *Carysfort* reported from the committee on the conduct of the Four-courts Marshalsea.

Ordered to be received and read.

On the reading of the first resolution, that by crowding so many prisoners in the common halls, it was dangerous to their health.

Lord *Carysfort* observed, that the House was thin, and as it was a business of some moment, he moved to adjourn the consideration of the report to Monday next, or whatever day the House should meet.

Ordered.

The Judges not having answered the questions put to them in the cause of Cox and Gay, the same stands over for the giving of judgment till the next meeting of the House.

Adjourned.

MONDAY, MAY 10, 1784.

The Lord *Chancellor* acquainted the House, that the Judges were ready to give their opinion on the questions proposed to them by the House, in the cause of Cox and Gay. Ordered to be received to-morrow, and the further consideration of the cause adjourned to that time, there being no business before the House.

Adjourned till to-morrow.

TUESDAY, MAY 11, 1784.

Lord *Longford* moved for an address to the Lord Lieutenant, for his wise, just, and prudent administration.

Lord *Mountgarret* said, he wished not individually to object to any customary complimentary respect to the present administration; perhaps they were as deserving as any of their predecessors; for the greatest and most virtuous characters in our sister kingdom, when appointed to the government of this kingdom, appeared as inimical to the constitutional or commercial interests of this devoted land, as the most abandoned and profligate. He opposed not this administration, or that administration, for all were under the same English influence, and consequently subversive of our interests, when it militated in the smallest against that of our monopolizing sister. Two paragraphs of the address he would, therefore, with deference oppose: First, that which set forth an entire satisfaction at what had been done to promote the commercial interests of this country; the other, expressive of our gratitude for every possible encouragement given to agriculture. The recent rejection of protecting duties justified him in the one, while the late destructive corn bill, particularly withdrawing the bounty on the land-carriage, supported the opposition to the other. He beseeched their Lordships to maturely consider the wretched situation of our manufactures. The general non-consumption and non-importation agreement, the most wise and constitutional mode yet adopted by the people, (and he hoped no unconstitutional one should ever be attempted by the people) met his warmest approbation; but as the stability of that resolution could not always be depended on, and might in time be injured by a deviation of public opinion, he entreated their Lordships would timorously consider the present calamitous state of our manufactures, and stretch out the hospital hand of relief. To encourage home-consumption seemed to him the first essential mode of preservation; for, it was evident to demonstration, our manufactures could not now pretend to cope with those of England at a foreign market, laying restrictions aside; the capital of the English merchant enabling him, besides long credits, &c. so far to undersell that of the Irish merchant, even at his own door. It was on these just and liberal principles his Lordship opposed the passages alluded to in the ad-

dress; which were delivered in such affecting strains of truth, as added lustre to nobility, and humanity to the man.—The address meeting with no other opposition, passed.

Adjourned till to-morrow.

WEDNESDAY, MAY 12, 1784.

Lord *Longford* reported the address to the Lord Lieutenant.

Lord *Mountgarret* declared his disapprobation of the address, on reading of the first paragraph, as many things injurious to the trade and policy of the country had passed in the present administration; and if he found by the rules of Parliament he could, he would protest against the address.

Lord *Mornington* declared, and reiterated what he had said on a former occasion, that he was well assured every proper regulation would take place relative to commerce, divested of English and Irish prejudices, so that a proper commercial agreement would be substantiated between the two sister countries, and no jealousy left remaining.

Agreed to the address; to be presented to-morrow.

A writ of error was brought in the cause of Lord Carhampton in error against Jones, lessee of Lyster.—Adjourned till to-morrow.

The following protest was entered on the Journals:

Dissentient,

Because I conceive myself bound in duty to this House and to my country, to dissent from an address of thanks to a chief governor, under whose administration the protection and encouragement of our manufactures, the sole and only possible redress of the grievances of Ireland, have been refused. As for the promissary adjustment with which we are flattered in this address, it is as evident, as the real necessities of this kingdom, that no further regulation nor amicable adjustment can possibly be devised at present, or

In future, to relieve those necessities, but the complete protection of its manufactures. The evil is palpable and instant; the remedy is equally palpable, and I cannot see why it should be deferred; unless the possession of the home consumption is in the first instance secured to our manufactures, they cannot be improved or extended to such a degree of cheapness and perfection as to enable Ireland to meet the manufactures of England, or those of other countries, in foreign markets, supposing Ireland to be in possession of foreign markets upon equal terms, which I do not admit she is. While the English, by means of superior expertness and great capitals, which enable them to give long credit, undersell us (though at a disadvantage of 15 per cent. in many instances) at our own doors, and while they go abroad as little incumbered by duties, and as much encouraged by bounties as we can, with the addition of extensive and old established correspondencies, our foreign prospects of trade must be as ideal and nugatory as our domestic. Besides no country can carry on a foreign trade with advantage, except on the ground of certain stipulations, ascertained by treaties, and I know of no treaties now subsisting, or in contemplation, whereby the commercial interests of Ireland, considered as an independent nation, are provided for. We are, perhaps, at liberty to trade with all the world if we are satisfied to do so with the balance in every instance against us. Were England even to employ her authority, *bona fide*, to procure admission for our manufactures to foreign markets, upon equal terms with her own, (which seems to be the strongest line of adjustment, except protecting duties, that can be alluded to in this address) I am still of opinion, for the reasons herein stated, it would be no service to us, unprepared as we are, to avail ourselves of such interposition.

(Signed)

MOUNTGARRETT.

THURSDAY, MAY 13, 1784.

The House went up to the Castle with the Address; which is as follows:

To his Grace, CHARLES, Duke of RUTLAND, Lord Lieutenant General and General Governor of Ireland.

The humble Address of the Lords Spiritual and Temporal, in Parliament assembled.

May it please your Grace,

WE his Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave, before the conclusion of the session, to declare our entire satisfaction in the early proofs which your Grace's administration has manifested of firmness and wisdom. And that the uninterrupted consistency of measures through the whole course of public proceedings, confirms us in a well-founded conviction, that your Grace's mind is greatly superior to every partial influence or prejudice, and entirely devoted to the public welfare.

The acts of this session bear the strongest testimony to the warmth with which each branch of the legislature has been interested in the prosperity of this kingdom. The prevention of future scarcity, the extension of agriculture, the security of private property, the increase of public credit, the improvement of the metropolis, the encouragement of trade and manufactures have been the principal objects of parliamentary attention and liberality.

If the real necessities of this kingdom shall require some further regulations, we feel the utmost confidence in your Grace's representations for procuring a fair and amicable adjustment. Cautious of hazarding any immature or hasty measures, we look for the final prosperity of Ireland in a cordial union and co-operation of interests with our sister kingdom, which can alone be effected by a mutual intercourse of temperate management and deliberate generosity.

We have endeavoured with unanimous zeal to prevent the growth of licentiousness and sedition, not only as mischievous to the morals of the people, but as fatal to true liberty. We have decidedly testified our satisfaction in the enjoyment of our excellent constitution, and have represented with energy our unfeigned attachment to his Majesty's royal person and government.

It is therefore our ardent wish that his Majesty may long continue your Grace in the government of Ireland, as we are persuaded that under the auspices of a Chief Governor inheriting those virtues which for ages have distinguished a succession of illustrious ancestors, our zealous services will be justly represented and favourably approved.

WILLIAM WATTS GAYER, } Cler. Parliament.
EDWARD GAYER,

To which Address his Grace was pleased to give the following Answer;

My Lords,

I return you my cordial thanks for your most obliging Address. To deserve the continuance of that esteem with which I have been so early honoured, will be the constant object of my attention: You do me justice in believing that I shall faithfully represent your services to our Sovereign, and I am persuaded it will afford me the pleasing task of conveying to you his gracious approbation.

FRIDAY, MAY 14, 1784.

The Bishop of *Killala* took the usual oaths and his seat on his promotion to the bishoprick of *Limerick*.

The Lord *Chancellor* moved, that the Judges do prepare a proper and effectual bill to compel creditors to make

an allowance to debtors confined at their suit, for debts above 40s. and not exceeding 100l.

Agreed to unanimously.

Lord *Clanbrassil* moved, that such Lords, and members of the other House, as were not already furnished with the journals of both, should be furnished.

Ordered accordingly.

His Grace the Lord Lieutenant came to the House in the usual state, and gave the royal assent to the following bills :

P U B L I C B I L L S.

1. An act for establishing a post-office within this kingdom.

2. An act for granting to his Majesty, his heirs and successors, a further additional duty on imported hops, and other duties therein mentioned.

3. An act for regulating the corn trade, promoting agriculture, and providing a regular and steady supply of corn in this kingdom, and for granting to his Majesty, his heirs and successors, the duties therein mentioned.

4. An act for licensing hawkers and pedlars, and for the encouragement of English protestant schools.

5. An act for continuing and amending an act passed in the twenty-second year of his present Majesty's reign, intitled an act for the improvement of the city of Dublin, by making wide and convenient passages through the same, and for regulating the coal trade thereof, and for other purposes.

6. An act for vesting the lands of Knockroe, and other lands in the county of Waterford, in his Majesty, his heirs and successors, to the uses therein expressed, and for other purposes.

7. An act for continuing an act, intitled an act for facilitating the trade and intercourse between this kingdom and the United States of America, and for furthering the said trade and intercourse.

8. An act for discharging certain arrears of quit, crown, and composition rents which have been growing due for

for twenty years last past, on the terms and in the manner therein mentioned.

9. An act for the erecting and building of a new and convenient goal and marshalsea in the city of Limerick, for the county and county of the city of Limerick, and to enable certain trustees or commissioners therein named, to purchase ground whereon to erect and build the same.

10. An act to explain an act passed in the eleventh and twelfth years of his present Majesty, intituled an act for badging such poor as shall be found unable to support themselves by labour, and otherwise providing for them, and for restraining such as shall be found able to support themselves by labour or industry from begging, and to extend the provisions thereof.

11. An act for extending the provisions of an act passed in this kingdom in the nineteenth and twentieth years of his Majesty's reign, intituled an act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers and others as shall settle in this kingdom.

12. An act for regulating the police of the city of Waterford.

13. An act for the amendment of the law in relation to the salvage of ships and goods stranded, or in danger of perishing at sea.

14. An act for continuing and amending several laws relating to his Majesty's revenue, and for the more effectually preventing frauds therein.

15. An act for the apportionment and more easy recovery of rents in certain cases.

16. An act for more effectually punishing such persons as shall by violence obstruct the freedom of corn markets and the corn trade, or who shall be guilty of other offences therein mentioned, and for making satisfaction to the parties injured.

17. An act for ascertaining the qualification of such persons as shall take out commissions of the peace for counties at large.

18. An act for regulating the import of cinnamon, cloves, mace and nutmegs, and for the better collecting the duties thereon.

19. An act to prevent the pernicious practice of erecting glass houses within the city of Dublin, or within a certain distance thereof.

20. An act to amend the laws for the encouragement of planting timber trees.

21. An act for the relief of prisoners charged with felony or other crimes, who shall be acquitted or discharged by proclamation, respecting their fees, and giving a recompence for such fees.

22. An act for the protection and improvement of the inland fisheries of this kingdom.

23. An act for relief of the creditors of John Tunnadine, Esq; late one of the Masters of the High Court of Chancery in Ireland, and for vesting the estates real and personal of the said John Tunnadine, in commissioners and assignees, for the payment of his said creditors.

24. An act to further amend and explain an act made in the twelfth year of his present Majesty's reign, intituled an act for the making of narrow roads through the mountainous unimproved parts of this kingdom; and also an act made in the seventeenth and eighteenth years of his present Majesty's reign, intituled an act to amend an act passed in the thirteenth and fourteenth years of his present Majesty's reign, intituled an act for amending the public roads.

25. An act to regulate the assay of gold, and promote the manufacture of gold and silver wares in this kingdom.

26. An act for the more effectually amending and repairing the road leading from the town of Dundalk, in the county of Louth, to Bannbridge, in the county of Down, and for the better securing the debts which are now due to the creditors of the said road.

27. An act for further promoting the linen and hempen manufactures,

28. An act for indemnifying such person or persons as have acted for the service of the public, in advising or

carrying into execution a proclamation of the Lord Lieutenant and Privy Council of this kingdom, bearing date the 27th day of January, 1784.

29. An act for the more effectual discovery and prosecution of offenders called houghers, and for the support and maintenance of soldiers and others houghed, maimed, and disabled by such offenders.

30. An act for the buying and selling of malt by measure, and for the more effectually preventing frauds committed in the buying, selling and delivery thereof.

31. An act for altering, amending and rendering more effectual the laws now in being for regulating and managing the public goals and prisons throughout this kingdom.

32. An act for the more easy discovery and effectual punishment of buyers and receivers of stolen goods.

33. An act for more effectually preventing the counterfeiting of the current coin of this kingdom, and the uttering or paying of false or counterfeit coin.

34. An act for making appropriate parishes belonging to archbishops and bishops perpetual cures, and the better to enable such archbishops and bishops to endow and augment the endowments of vicarages and curacies to them respectively appropriate, and to render more effectual the several acts now in force to enable the clergy, having cure of souls, to reside upon their respective benefices, and to build on their respective glebe lands.

35. An act for better securing the monies and effects of suitors of the Court of Chancery and the Court of Exchequer, by depositing the same in the National Bank, and to prevent the forging and counterfeiting any draft, order or other voucher, for the payment or delivery of such money or effects, and for other purposes.

36. An act for the more effectually paving, cleansing and lighting of the streets of the city of Dublin, and other places therein mentioned, and for making sewers and erecting fountains and conduits in the said city for the use of the poor, and for other purposes therein mentioned.

37. An act to continue an act passed in the eleventh and twelfth years of the reign of his present Majesty, in

titled an act for the further preventing delays of justice by reason of privilege of Parliament.

38. An act for the due accounting for all money granted for public works, charities, and hospitals therein mentioned, and for the ordering a regular account in future of all monies entrusted to the corporation for carrying on the inland navigation, the trustees of the linen manufacture, the Dublin society, the corporation for paving the streets of Dublin, and for other purposes therein mentioned.

39. An act for directing the application of the sum of fifteen thousand pounds, granted by an act passed this session of parliament, for the purpose of paying bounties on the sale of the following manufactures of this kingdom; that is to say, the manufactures of wool, of wool mixed, of cotton, of cotton mixed, thread kentings, and manufactures of iron or copper.

40. An act to secure the liberty of the press, by preventing the abuses arising from the publication of traitorous, seditious, false and slanderous libels by persons unknown.

41. An act for disabling Philip, Lord Viscount Strangford, from sitting in Parliament, or making any proxy therein; and also from sitting and voting on the trial of any Peer.

42. An act for reviving and continuing temporary statutes.

43. An act to remove doubts and scruples with respect to the construction of an act passed in this kingdom in the fifth year of his late Majesty King George the Second, intitled an act for reducing the interest of money to six per cent.

P R I V A T E B I L L S.

44. An act for vesting certain lands and premises therein mentioned, part of the estate of the Right Honourable Thomas, Earl of Louth, in trustees, for raising a sum, not exceeding six thousand pounds, by sale or mortgage of a competent part thereof, to be applied to the purposes therein mentioned.

45. An act enabling the Right Honourable John Joshua, Lord Carysfort, Baron of Carysfort, to make long leases of his estate in the county of Dublin, and part of his estate in the county of Wicklow.

46. An act to explain and amend an act passed in this kingdom in the twentieth year of his present Majesty's reign, intituled an act for vesting in trustees certain lands and tenements, the estate of Francis Mathew, of Thomastown, in the county of Tipperary, in the kingdom of Ireland, Esq; for the purpose of raising a sufficient sum of money for payment of the debts affecting the same, and for other purposes in said act mentioned; and also to enable the said Francis Mathew, since created Lord Baron of Landaff, of Thomastown, in the kingdom of Ireland, to settle a jointure or jointures upon any woman or women with whom he shall or may intermarry.

47. An act to enable the Honourable William Wesley Pole, and the several other persons in remainder under the will and codicils of William Pole, Esq; deceased, to settle jointures, and for other purposes.

48. An act for vesting several towns, lands, tenements, and hereditaments, situate in the counties of Wexford, Mayo and Sligo, the estate of the Honourable Richard Gore, in trustees, in order that the same may be sold for the payment of debts and incumbrances affecting the same, and for other purposes.

49. An act for vesting certain lands, tenements and hereditaments in the Queen's County, formerly the estate of the Right Honourable Dudley Alexander Sidney Cosby, late Lord Sidney, of Leix, and Baron of Stradbally, deceased, in trustees, for raising a sum of money sufficient to discharge the incumbrances affecting the same, and other purposes, and to enable the several persons intituled thereto to make building leases of part thereof.

50. An act for vesting certain towns, lands, tenements and hereditaments, situate in the counties of Fermanagh and Longford, the estate of John Enery, of Bawnboy, in the county of Cavan, Esq; in trustees, in order that the same, or a competent part thereof, may be sold for the payment of debts and incumbrances affecting certain lands

situate in the county of Cavan, the estate of the said John Enery, and for settling the said lands in the county of Cavan, to the same uses to which the said estates in the said counties of Fermanagh and Longford had been settled, and for other purposes.

51. An act to enable the trustees in the marriage settlement of Hamilton Gorges, of Kilbrew, in the county of Meath, Esq; to convey the fee and inheritance, instead of the trust-term of four hundred years, of and in certain lands, the estate of the said Hamilton Gorges, decreed to be sold by the Court of Chancery for payment of the several debts in the said decree mentioned, and to enable the said Hamilton Gorges to settle a jointure of four hundred pounds a year on any wife he may hereafter marry.

52. An act for vesting certain lands in the King's County, part of the estate of Peter Holmes, of Johnstown, in the county of Tipperary, Esq; in trustees, to be sold for the payment of debts affecting the same, and for appointing other lands to the same uses to which the said King's County estate had been settled.

53. An act for vesting lands and hereditaments in the county of Galway, part of the estate of John Monck Mason, of the city of Dublin, Esq; in trustees, for raising money to pay and discharge debts and incumbrances affecting the said John Monck Mason.

54. An act for vesting in trustees certain lands, tenements and hereditaments in the kingdom of Ireland, the estate of James Uniacke, of Mount-Uniacke, in the county of Cork, Esq; for raising a sufficient sum of money for the payment of the debts of the said James Uniacke.

55. An act for vesting certain lands therein mentioned, late the estate of Nicholas Arcedeckne, of Gortnamona, in the county of Galway, Esq; deceased, in trustees, for payment of debts and incumbrances affecting the same.

56. An act for exemplifying or inrolling the last will and testament of Gilbert Donnellan, formerly of Cloghan, in the county of Roscommon, and kingdom of Ireland,

but late of Mons, in French Flanders, Esq; deceased, and making the same evidence both in law and equity.

And then his Grace was pleased to make a Speech to both Houses of Parliament, which is as follows:

My Lords and Gentlemen,

In addressing you for the first time in Parliament, at the close of the session, I embrace with pleasure the occasion which is afforded me of returning you my affectionate acknowledgments for the cordiality of my reception, and the early assurances of your confidence. And I am at the same time highly gratified in being authorized to communicate to you the sentiments of perfect satisfaction with which his Majesty approves of your exertions for the public welfare.

Gentlemen of the House of Commons,

I am happy in obeying his Majesty's commands, to thank you for the cheerfulness with which you have made provision for the exigencies and honor of his government. Let me assure you, on my part, that the readiness with which you have granted supplies stimulates my utmost attention and care, that they shall be managed with economy, and applied with prudence.

My Lords and Gentlemen,

You will have much satisfaction in reflecting that the various objects which, in consequence of the acknowledged independence of the legislature, were recommended for your deliberations, at the opening of this session, have been diligently pursued and accomplished.

You have wisely given your sanction to the extraordinary expedients which it has been necessary to employ in order to preserve the kingdom from famine; and I feel great satisfaction in the prospect that they will be prevented for the future, by the new and judicious arrangement of your corn laws, and the improved extension of your agriculture.

I see with pleasure the exertions of an humane and liberal principle, which has prompted you to give encouragement to the national industry, by favourable regulations and well directed bounties. I have warmly at heart the advancement of your trade, and the success of all your manufactures, and I shall not fail either to consider, or to represent those instances whereof the peculiar circumstances of the empire have hitherto prevented a full investigation, and which shall be found to require a further adjustment.

The useful regulations proposed to be introduced into the collection and management of the revenue; the security of private property, and extension of national credit, by depositing in the bank of Ireland the money of suitors in the Courts of Chancery and Exchequer; the plans for improving the metropolis, calculated not more for ornament and splendor, than for health and convenience; your unanimous determination to defend the freedom of the constitution against the attacks of licentiousness; and your attention to the support of charitable institutions, are all unequivocal testimonies of your wisdom, humanity and justice.

I have not failed to convey to our Sovereign the satisfaction you have so decidedly expressed in the blessings of that happy constitution which you enjoy under his Majesty's auspicious government. Sensible as you are of these eminent advantages, it can hardly be necessary for me to desire that you should be attentive to impress them on the minds of others, over whom your superiority of rank and information must and ought to give you a just and benevolent influence.

I have a sure confidence, that during your residence in your respective counties, you will seek to direct and encourage the industry of your neighbourhood, in the pursuits best adapted to their situations, and by which the community at large may be most effectually benefited. You will point out to them the real resources of a free and fertile country, under the blessings of peace, and the mild protection of the laws; and you will not suffer misapprehensions to perplex, or false informations to misguide them.

It is my happiness and pride to reflect that our united attention has been, and is directed to the same objects, of maintaining and advancing the rights, the dignity, and the prosperity of Ireland, and the general interests of the empire.

And then the Lord Chancellor declared that it was his Grace the Lord Lieutenant's pleasure that this parliament be prorogued to Tuesday the 29th Day of June next; and the Parliament was accordingly prorogued to Tuesday the 29th day of June next.



THE
LORDS OF PARLIAMENT,
AND
PEERS OF IRELAND.

<i>Name.</i>	<i>Title.</i>
H IS Royal Highness, William-Henry,	Earl of Conaught.
His Royal Highness, Henry-Frederick,	Earl of Dublin.
James Hewitt,	LORD CHANCELLOR. Visc. Lifford, of Lifford.
ARCHBISHOPS.	
Dr. Richard Robinson,	Armagh, Primate of all Ireland, and Baron Rokeby of Armagh.
Dr. Robert Fowler,	Dublin, Primate of Ireland.
Dr. Charles Agar,	Cashel, Primate of Munster.
Hon. Dr. Jos. Dean Bourke,	Tuam, Primate of Conaught, and Bishop of Ardagh.
Wm. Robert Fitz-Gerald,	DUKE. Leinster.

<i>Name.</i>	<i>Title.</i>
H enry Smyth De Burgh,	Clanricarde.
Edmund Boyle,	Cork and Orrery.
Randal Wm. Mc. Donnell,	Antrim.
Thomas Nugent,	Westmeath.
Basil Fielding,	Desmond.
Anthony Brabazon,	Meath.
Richard Barry	Barrymore.
Arthur Chichester,	Donegall.
Richard Lambart,	Cavan.
Murrough O'Bryen	Inchiquin.
Charles-Henry Coote,	Montrath.
Charles Moore,	Drogheda.
George Talbot,	Waterford and Wexford.
George Forbes,	Granard.
Fred. Christian Rynhard de Ginkell,	Athlone.
William Fitz-William,	Fitz-William of Co. Tyrone.
Francis Tho. Fitz-Maurice,	Kerry.
John Bligh,	Darnley.
John Child-Tylney,	Tylney, of Castlemaine.
John James Perceval,	Egmont.
William Ponsonby,	Bedsborough.
Ralph Verney,	Verney.
John Maule,	Panmure of Forth.
Geo. de le Poer Beresford,	Tyrone.
Henry-Thomas Butler,	Carrick.
Wills Hill,	Hillsborough.
John Fitzpatrick,	Upper Ossory.
William Petty,	Shelburne.
Richard Boyle,	Shannon.
Clotworthy Skeffington,	Massereene.
Robert-Herbert Butler,	Lanesborough.
James Hamilton,	Clanbrassil.
George Rochfort,	Belvedere.
John Wandesford,	Wandesford.
Thomas Birmingham,	Louth.
James Duff,	Fife.
Richard Wesley,	Mornington.

<i>Name.</i>	<i>Title.</i>
Peter Ludlow,	Ludlow.
George Carpenter,	Tyrconnel.
John Rawdon,	Moir.
Arthur-Saunders Gore,	Arran.
James Stopford,	Courtown.
Joseph Leeson,	Milltown.
James Caulfield,	Charlemont.
John Savile,	Mexborough of Lifford.
Edward Turnour,	Winterton.
Thomas Taylor,	Beſtival, of Beſtival Caſtle.
George-Maſon Villiers,	Grandiſon.
Thomas St. Lawrence,	Howth.
Charles Coote,	Bellamont.
Edward King,	Kingſton.
Charles-Wm. Molyneux,	Seſton.
Robert Jocelyn,	Roden, of High-Roding.
Kenneth Mc. Kenzie,	Seaforth.
John Dennis Browne,	Altamont.
Ralph Gore,	Rofs.
Wilmot Vaughan,	Liſburne.
John Meade,	Clanwilliam.
Robert Nugent Craggs,	Nugent.
John Croſbie,	Glandore.
Francis Vernon,	Shipbrook, of Newry.
Edward Stratford,	Aldbrough.
William-Henry Forteſcue,	Clermont.
Stephen Moore,	Mount-Caſhel.

V I S C O U N T S.

E dmund Butler,	Mountgarrett.
George Buſſy Villiers,	Grandiſon, of Limerick.
Arthur Annelley,	Valentia.
John Netterville,	Netterville, of Douth.
John Needham,	Killmorey.
— Bourke,	Bourke, of Mayo.
Rich. Lumley Saunderſon,	Lumley, of Waterford.
Rev. Philip Smyth,	Strangford.
Philip Wenman,	Wenman, of Tuam.
Francis Taaffe,	Taaffe, of Corren.

U

<i>Name.</i>	<i>Title.</i>
Charles Jones,	Ranelagh.
Richard Fitz-William,	Fitz-William, of Meryong.
Charles Cockaine,	Cullen.
Thomas-Charles Tracy,	Tracy, of Rathcoole.
Thomas-James Bulkeley,	Bulkeley, of Cashel.
George Barnewall,	Barnewall, of Kingstand.
George-Jas. Cholmondeley,	Cholmondeley, of Kells.
John-Christopher Burton,	Downe.
Richard Howe,	Howe.
James Hamilton,	Strabane.
Rich.-Nassau Molefworth,	Molefworth, of Swords.
William Chetwynd,	Chetwynd, of Bearhaven.
George Brodrick,	Middleton.
Richard Hamilton,	Boyne.
Joshua Allen,	Allen.
James-Bucknall Grimston,	Grimston.
Wm.-Wildman Barrington,	Barrington, of Ardglass.
William-Hall Gage,	Gage, of Castle-Island.
Henry Temple,	Palmerston.
John Bateman,	Bateman.
Henry-Monckton Arundel,	Galway.
Richard Wingfield,	Powerfcourt of Powerfcourt.
William Flower,	Ashbrook.
Harvey Morres,	Mt. Morres of Castle-Morres.
Arthur Trevor,	Dungannon.
Francis-Charles Annesley,	Glerawly.
Thomas-Arthur Southwell,	Southwell of Castle-Mattrafs.
Thomas Vesey,	De Vesey, of Abbyelex.
Wm.-Willoughby Cole,	Enniskillen.
John Dawson,	Carlow.
James Hewitt,	Lifford, of Lifford.
Otway Cuffe,	Desart, of Desart.
John Creighton,	Erne, of Crumcastle.
Barry Maxwell,	Farnham, of Farnham.
Simon Luttrell,	Carhampton, of Castlehaven.
Nicholas Ward,	Bangor, of Castleward.
Peniston Lamb,	Melbourne, of Kilmore.
James Agar,	Clifden, of Gowran.
John Bourke,	Mayo, of Monecroner.

BISHOPS.

<i>Name.</i>	<i>Title.</i>
HON. Dr. Henry Maxwell,	Meath.
Dr. Charles Jackson,	Kildare.
Dr. William Gore,	Limerick, Ardferit and Aghadoe.
Dr. Charles Dodgson,	Elphin.
Dr. William Newcome,	Waterford and Lismore.
Dr. Frederick Hervey, Earl of Bristol,	Derry.
Dr. Isaac Mann,	Cork and Ross.
Dr. Walter Cope,	Leighlin and Ferns.
Dr. George-Lewis Jones,	Kilmore.
Dr. James Hawkins,	Raphoe.
Dr. John Hotham,	Clogher.
Dr. Thomas Barnard,	Killaloe and Kilfenora.
Hon. Dr. Wm. Beresford,	Offory.
Dr. Richard Woodward,	Cloyne.
Dr. William-Cecil Perry,	Killala and Anchorry.
Dr. Thomas Percy,	Dromore.
Dr. John Law,	Clonfert and Kilmacduagh.
Dr. William Dickson,	Down and Connor.

BARONS.

JOHN de Courcy,	Lord Courcy, Kinsale and Ringrone.
James Butler,	Cahier.
Andrew-Thomas Stewart,	Ld. Stewart, B. of Castle-stewart.
Henry Digby,	Digby, of Geashell.
Cadwallader-Davis Blayney,	Ld. Blayney, B. of Monaghan
Rev. Robert Sherard,	Ld. Sherard, B. of Leitrim.
Francis-Seymour Conway,	Conway and Kilultagh.
George Evans,	Carbery, of Carbery.
Henry Aylmer,	Lord Aylmer, B. of Balrath.
Dormer Fortescue Aland,	Fortescue, of Credan.
John-Joshua Proby,	Carysfort, of Carysfort.

<i>Name.</i>	<i>Title.</i>
Joseph Damer,	Milton, of Shrone-hill.
Edward-Michael Pakenham,	Longford.
John Lysaght,	Lisle, of Mount-north.
John Hanger,	Coleraine, of Coleraine.
Edward Clive,	Clive of Plassey.
Drigue-Billers Olmius,	Waltham, of Philipstown.
John Gore,	Annaly, of Tenelick.
Constantine-John Phipps,	Mulgrave, of New Rofs.
Thomas Dawson,	Dartrey, of Dawson Grove.
George Macartney,	Macartney, of Lissanoure,
Archibald Acheson,	Gosford, of Market-hill.
Ralph Howard,	Clonmore of Clonmore-Cast.
Richard Philips,	Milford.
Thomas Wynne,	Newborough of Newborough
Charles Bingham,	Lucan, of Castlebar.
Alexander Mac Donald,	Mac Donald, of Slate.
William Mayne,	Newhaven, of Carrickmayne.
William Edwardes,	Kensington.
William-Henry Lyttleton,	Westcote, of Balamare.
Robert-Henry Ongley,	Ongley, of Old-Warden.
Molyneux Shuldham,	Shuldham.
Sentleger Sentleger,	Doneraile, of Doneraile.
Clotworthy Upton,	Templetown, of Templetown
Hugh Massey,	Massey, of Duntryleague.
Richard Robinson,	Rokeby, of Armagh.
Robert-Tilson Deane,	Muskerry.
Armar-Lowry Corry,	Belmore, of Castlecoole.
Thomas Knox,	Welles, of Dungannon.
John-Baker Holroyd,	Sheffield, of Dunamore.
Fran.-Pierpoint Conyngham	Conyngham.
Samuel Hood,	Hood, of Catherington.
Arthur Pomeroy,	Haberton, of Carbery.
Robert Clements,	Leitrim, of Manor Hamilton
Francis Matthew,	Landaff, of Thomastown.
William Tonson,	Riversdale, of Rathcormuck.
John-Hussey Delavall,	Delavall, of Redford.
John Pennington,	Muncaster.
Richard Pennant,	Penryhn.
John Scott,	Earlsfort, of Earlsfort.

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